



WESTMINSTER

**UTILITIES SERVICE RULES**

**By**

**Utilities Operations Division**

**Public Works and Utilities Department**

**Revised February 10<sup>th</sup>, 2020**

These Utilities Service Rules have been enacted pursuant to Section 8-7 and 8-8 of the City of Westminster Municipal Code and as authorized by City Council on February 26, 2018, Item 10A, and March 12, 2018, Item 8H

*Max E. Kusell*

Director, Public Works and Utilities

Feb 10, 2020



WESTMINSTER

TO: Donald M. Tripp, City Manager  
FROM: Max E. Kirschbaum, Public Works and Utilities Director  
DATE: December 9, 2019  
SUBJECT: Delegation of Authority for Utilities Service Rules


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The Utilities Operations Division of the Public Works and Utilities Department manages Utilities Service Rules which defines the requirements for customers to receive water and wastewater services. The City Manager is the responsible party for all updates to the Utilities Service Rules and would be required to review all changes made due to operational changes in multiple programs such as the hydrant meter program.

Staff requests that the City Manager officially delegate the responsibility for updates to the Director of Public Works and Utilities. Doing this will streamline the update process, direct important communications from the Utilities Division to customers, and improve the overall administration of the Utilities Service Rules. Delegation of this authority is subject to the expenditure authorization limits established by Administrative Memorandum 14-17 or its successor.

Therefore, Staff requests that the Director of Public Works and Utilities serve as the City's responsible entity for future updates to the Utilities Service Rules.

  X   Approved      \_\_\_\_\_ Denied

  
\_\_\_\_\_  
Donald M. Tripp  
City Manager

  1.15.2020    
Date

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# Chapter 1 General

## Section 1 Purpose

The City of Westminster has a vision statement to be the next Urban Center of the Colorado Front Range. Our mission is to deliver exceptional value and quality of life through SPIRIT (Service, Pride, Integrity, Responsibility, Innovation, and Teamwork). The City's Public Works and Utilities (PWU) department maintains and enhances the safety and well-being of the community by providing exceptional water and wastewater service. It is the intent of the Utilities Operations Division that these Utilities Service Rules promote the following principles:

1. Assure the efficient use, administration, operation, enlargement, extension, and preservation of City's water and wastewater systems.
2. Assure City's compliance with all applicable federal, state, and local statutes, regulations, ordinances and with any other requirements of orders, consent decrees, and/or mandates established by the Environmental Protection Agency (EPA) or the Colorado Department of Public Health and Environment (CDPHE), including permits for authorization to discharge under the National Pollutant Discharge Elimination System (NPDES); meet or exceed all American Water works Association standards (AWWA); and its customers' compliance with these Utilities Service Rules and the Westminster Municipal Codes, Rate Schedules for water and wastewater service adopted by the City and any rules of procedure established by the City to implement these Utilities Service Rules.
3. Promote fair, reasonable, and uniform treatment of customers in the same rate classes of the City's water and wastewater service.
4. Protect our environment through the professional management of our water and wastewater systems and maintain public confidence in City's water and wastewater systems.
5. Encourage sustainable and financially sound economic development by promoting extensions of the City water and wastewater systems.
6. Simplify, clarify, and document the policies governing the operation of City's Water and Wastewater Field Operations.
7. Assure that the water and wastewater systems services are consistent and fair across the customer types.
8. Promote the continued evolution and development of water and wastewater systems operating guidelines and practices.

## Section 2 Scope

These Utilities Service Rules, and all amendments hereto, apply to the application, implementation, and operation of the City's water and wastewater systems and the provision of water and wastewater service to the City's customers, and have been adopted pursuant to authority granted the City Council by Section 8-7 and 8-8 of the Westminster Municipal Code.

1. Conflict. In addition to these Utilities Service Rules, the following documents, listed in order of precedence, are hereby made part of all contracts and are enforceable through

all contracts, actual or implied, for customers and users receiving water and wastewater service from the City and apply to all water and wastewater services received by customers, whether the service is based upon contract, agreement, regulatory drivers, signed application or otherwise:

- i. the Westminster Municipal Code,
- ii. the Water and Wastewater Rate Schedules;
- iii. these Utilities Service Rules as may be amended from time to time; and
- iv. any rules of procedure established by the City to implement these Utilities Service Rules.

In the event of a conflict between the documents listed above, the order of precedence shall govern.

- 2. Severability. If any clause, sentence, paragraph, section or part of these Utilities Service Rules, any applicable Water or Wastewater Rate Schedule, or any rules of procedure shall be declared invalid or unconstitutional, it shall not affect the validity of the remaining parts of these Utilities Service Rules or the applicable Water or Wastewater Rate Schedule, or the applicable rules of procedure.
- 3. Authority. Subject to the limitations set forth in the City Charter, these Utilities Service Rules, applicable Rate Schedules and any other official City action or resolution, the City Manager or manager designee, has all rights, powers, duties and authorities to implement, and enforce these Utilities Service Rules. The City Manager or manager designee, has all rights, powers, duties, and authorities to establish and enforce rules of procedure and policies and programs to implement these Utilities Service Rules.
- 4. Utilities Service Rules Oversight Committee. The Utilities Service Rules Oversight Committee shall consist of the PWU Director, the Utilities Operations Manager, the Water and Wastewater Treatment Facility Superintendents responsible for the plants, and the Water and Wastewater Field Operations Superintendents responsible for the distribution and collection systems of the City's water and wastewater systems, and any other members of PWU's management, as so designated by the City Manager or manager designee. The Utilities Services Rules Oversight Committee shall provide oversight of the implementation, enforcement and administration of the Utilities Service Rules to assure that the purposes set forth in the Utilities Service Rules are adhered to as well as assuring that operating requirements for the City's water and wastewater systems are met according to the requirements established by federal, state, and local laws, regulations, orders or consent decrees. The Utilities Service Rules Oversight Committee is responsible for recommending changes to the Utilities Service Rules to the City Manager or manager designee. Any amendments or changes to these Utilities Service Rules are subject to the approval of the City Manager or manager designee along with adoption by the City Manager's Office and City Council in accordance with the City's procedures.
- 5. Access to Customer's Premises. The City shall be granted access to the customer's premises at all times for the purpose of:
  - i. Reading meters;
  - ii. Testing, inspecting, repairing, and maintaining all equipment belonging to the City;

- iii. Clearing hazards away from the City's water and wastewater facilities, and removing and replacing all equipment belonging to City;
  - iv. Inspecting the customer's and/or user's water and wastewater facilities including but not limited to private service laterals, meters, grinder pumps, private water and wastewater facilities, and the customer's premises; and
  - v. In order to determine that the City's Utilities Service Rules and/or any rules of procedure implementing these Utilities Service Rules, and the regulations and requirements of the applicable regulatory authority, are being complied with and to ensure compliance with all applicable federal, state, and local law(s) and regulation(s).
6. Customer's Responsibility for the City's Property. All meters, manholes, service connections, and other equipment deemed to be owned by the City shall be and remain the property of the City. The customer shall provide access to and a space for and exercise proper care to protect the City's property on the customer's premises; and in the event of loss or damage to the City's property, arising from neglect of customer to care for said property, the cost of necessary repairs or replacements shall be paid by the customer. Service lines; pressure reducing devices or fire suppression systems within a building; backflow devices; fats, oil, grease and grit (FOGG) devices; and sump pumps are not the City's property and must be maintained and kept in good working order as enforced by the City.
- i. As defined in Westminster Municipal Code, Section 8-7-27(A), the water service connection shall mean the terminal end of a service connection downstream of the meter. This is the point at which the City no longer owns the service connection.
  - ii. As defined in Westminster Municipal Code, Section 8-8-3(C), the wastewater service is maintained from the tap on the main to the building and is not owned by the City.
7. Customer's Responsibility for Compliance with Utilities Service Rules and Municipal Code. Every customer shall comply with these Utilities Service Rules and Westminster Municipal Code adopted by the City, and any rules of procedure established by City to implement these Utilities Service Rules.
8. Promotion of Technology. The City may establish and maintain processes consistent with these Utilities Service Rules that promote and utilize technologies for the operation of its water and wastewater systems, which improve system reliability, increase operational flexibility and/or lower costs of operation.
9. Health and Safety. All Utilities Service Rules and rules of procedure established to implement these Utilities Service Rules affecting health and safety, including (without limitation) all provisions relating to inspection, general safety precautions for utilization, operation and maintenance of the City's water and wastewater systems, and rules governing customer connections are for the guidance and benefit of customers, and the City shall not be responsible for the health and safety thereof, or for any loss, damage, or injury resulting from any violation thereof, but the City reserves the right, in its discretion, to refuse to furnish water and wastewater services or to discontinue furnishing water service and/or wastewater service, if applicable, where the customer fails to comply therewith.
10. Interpretation. It is the intent of City that these Utilities Service Rules be liberally interpreted.

### Section 3 Definitions

Definitions as provided in the Westminster Municipal Code, Sections 8-7-1, 8-7-27, 8-8-1 and 8-10-1 shall be used for the purpose of these Utilities Service Rules, unless the context specifically indicates otherwise.

Wherever the context shall admit or require, words used herein in the singular shall include the plural, words used in the plural shall include the singular, words used in the masculine shall include the feminine, and words used in the feminine shall include the masculine.

1. Unless otherwise expressly stated in the Service Rules or the Westminster Municipal Code, the following terms shall, for the purpose of the Fats, Oil, Grease and Grit (FOGG) Program, have the meanings indicated in this section:

*Black Water* shall mean wastewater from sanitary fixtures such as toilets and urinals.

*Garbage Grinder* shall mean a device which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer collection system.

*Gray Water* refers to all wastewater other than “Black Water” as defined in this section.

*Grease* shall mean a material composed primarily of fats, oil, and grease from animal or vegetable sources. The term fats, oil, and grease may be referred to as grease or types of grease in this document and does not include petroleum-based products.

- Brown grease – Fats, oils, and grease that is discharged to the grease control equipment.
- Yellow grease – Fats, oils, and grease, usually spent oil from deep frying, that has not been in contact with or contaminated from other sources (water, wastewater, solid waste, etc.) and can be recycled. Yellow grease is typically stored in a rendering container outside the FOGG generating business.

*FGB* shall mean a FOGG generating business

*FOGG retention device* includes multiple different types of traps which are defined by plumbing code as follows:

- *Gravity Grease Interceptor (GGI) or Grease Interceptor* shall mean a FOGG Retention Device identified as a large tank or device so constructed as to separate and trap or hold fats, oil, and grease substances from the sewage discharged from a facility in order to keep fats, oil, and grease substances from entering the sanitary sewer collection system. Grease Interceptors are typically located outside of FGBs due to their size.
- *Hydro-mechanical Grease Interceptor (HGI) or Grease Trap* shall mean a FOGG Retention Device identified as an internal grease trap, usually installed inside and under or in close proximity to sinks or other fixtures likely to discharge grease in an attempt to separate, trap or hold fats, oils and grease substances to prevent their entry into the sanitary sewer collection system. Grease traps are sized by retention capacity (i.e. 20 lbs., 30 lbs., 40 lbs., etc.). All grease traps must be installed with a flow restrictor and vent. Grease traps are only allowed under specific conditions including, but not limited to, if no cooking is occurring at the facility. HGI's are no

longer allowed to be installed, however, there are numerous existing devices that still require proper maintenance.

- *Sand & Oil Interceptor* shall mean a FOGG Retention Device in-ground tanks designed to capture dirt, sand, sweepings, minor petroleum spills, etc. from car washes and vehicle maintenance facilities to keep these substances out of the City's sanitary sewer system. The interceptor treats these wastes by allowing substances lighter than water, such as oil, to float and substances heavier than water, such as sand, to sink. Only the grey water between these two zones should flow to the wastewater system.

*Solids Interceptor* shall mean a FOGG Retention Device designed to capture solids such as the following:

- *Hair Interceptor*: A hair trap is a device on a single sink or up to six sinks. Hair traps are designed to trap hair before it gets into the sanitary sewer system, preventing clogs and the need for costly repairs. Installation of hair traps will help lessen the impact on the environment and reduce the potential of sanitary sewer back-ups by preventing hair from entering the City's sanitary sewer system.
- *Lint Trap*: A lint trap to captures lint from an individual washing machine.
- *Lint Interceptor*: A lint Interceptor captures lint from multiple machine. Lint interceptors shall have a minimum capacity of 500 gallons.
- *Mud and Plaster Interceptor*: A Mud and Plaster Interceptor captures solids before it gets in to the sanitary sewer system.

*User* shall mean in this document, the term User shall mean a City customer operating a FGB inside the City's wastewater service area who is obligated to follow the requirements of this FOGG Retention Program.

*Waste Hauler* shall mean one who transfers waste from the site of a customer to an approved site for disposal or treatment. The waste hauler is responsible for assuring that all federal, state and local regulations are followed regarding waste transport.

## Chapter 2 Water

### Section 1 Condition of Water Service

The City shall endeavor to provide its customers with a continuous and adequate supply of water within reasonable maximum and minimum pressures. However, varying pressures will exist throughout the distribution system.

1. Pressures. Applicants for service from a main through which prevailing water pressures exceed 80 p.s.i. shall be responsible for installation and maintenance of privately owned pressure regulators, or other devices as required. In accordance with the City adopted plumbing code, individual pressure reducing valves are required to be installed and maintained by the owner whenever static water pressure exceeds eighty (80) pounds per square inch. The City's adopted plumbing code, therefore, requires pressure reducing valves on all services to compensate for water system pressure fluctuations or adjustments that may result in water pressure in excess of eighty (80) pounds per square inch.
  - i. Prior to City service being provided, the applicant may be required to give written acknowledgment and acceptance of possible high or low pressure conditions.
  - ii. The City may adjust system pressures as the need arises.
2. Interruption of Service. The City will endeavor to notify customers in advance of any interruption of service due to repairs, or other causes. However, in emergency conditions, or when notification is not practical, service may be interrupted without warning for indefinite periods of time.
  - i. Property Adjacent to a Water Main. New applications for service will only be considered if a main which meets the City's pressure, flow, and capacity standards extends across the frontage of the property to be served. Said main must be within a dedicated right-of-way or easement grant to the City. Applications for service which do not meet these conditions will require a main extension or variance as described below.
  - ii. Property Not Adjacent to a Water Main. In order to obtain service to a property not immediately adjacent to a water main as required by Section 1, Paragraph 2.i. above, the applicant will be required to provide a main extension.
  - iii. Damage to Property. The City shall not be liable for damage to property occasioned by water running from open or faulty piping or fixtures on the customer's property.
  - iv. Customers who request activation of a service shall be responsible for damage resulting from such activation due to open or faulty piping and/or fixtures on the customer's property. The City may, at its discretion, opt to return the water service to a shut-off condition if there is an indication of water running on the customer's property at the time of service activation. When this occurs, the City will endeavor to leave a notice of explanation for the customer.
  - v. Access to City Facilities. Customers who permit landscaping, fencing, structures, or other fixed or moveable obstructions to block, prevent, hamper or restrict free and easy access by the City to its facilities for work of any nature, including, but not limited to, meter reading, shall be liable for costs incurred in removing such items. The City will endeavor to give customers a sixty (60) day notice when such items are discovered so

that the customer may correct the condition. If the property owner fails to remove the obstruction within the sixty (60) day period, the City may complete the work, at the sole cost of the property owner. However, in the event of an emergency, the City will have the right to remove the item or cause it to be removed and the customer shall incur all costs associated therewith.

- vi. At the property owner's option, subject to City approval, the City's facilities may be relocated by a Licensed Contractor of the property owner's choice at the sole expense of said property owner but subject to the standards and procedures of the City. Failure of the customer/property owner to comply with City access requirements shall be just cause for terminating water service to the subject property.
- vii. Waste of Water. Waste of water is prohibited: Waste of water is defined as the intentional or non-intentional use of water for non-beneficial purpose: including:
  - a Continuous application of water to any lawn, turf, sodded, or landscaped area resulting in the pooling or flowing of water into drainage or storm drainage facilities;
  - b Failure to repair any irrigation system that is leaking;
  - c The use of hoses for washing of vehicles and other outdoor uses, other than irrigation, that are not equipped with a shutoff valve that is normally closed and necessitates hand pressure on the valve to permit the flow of water; and
  - d Single-pass cooling systems.

### 3. Duty of Consumer.

- i. No person owning or possessing, or responsible for the maintenance of the property on which a meter or water hydrant is located shall obstruct the meter or water hydrant in any manner so that access to the meter or water hydrant is prevented. If such obstruction is not removed within the period of time prescribed in the notice required in Section 1, Paragraph 2.v. above, the owner or possessor shall be deemed to have consented to the City's entry onto the property for the purpose of removing the obstruction and gaining access to the meter or water hydrant. All costs incurred in the removal of the obstruction shall be charged to the water consumer, owner or possessor. For the purposes of this section, the word "obstruct" shall include but not be limited to:
  - a Failure to maintain landscaping around the meter pit or water hydrant so as to provide at least three feet of unobstructed access to the meter or water hydrant from the public right-of-way and at least five feet of vertical clearance above the meter pit or water hydrant;
  - b Failure to maintain landscaping that exceeds four inches in height if said landscaping is located within six inches of the meter pit or water hydrant;
  - c Allowing any landscaping to cover the meter pit lid or water hydrant; or
  - d Placement of a fence or retaining wall in such a location that the fence or wall will obstruct access to the meter pit or water hydrant from the public right-of-way.

- ii. If the City Manager or manager designee finds that any person has failed to comply with any of the requirements of this Section, the City Manager or manager designee shall notify the water consumer, owner or possessor of the property by hand delivery or certified mail that he shall be required to comply within 15 days of the date of delivering or mailing the notice. In the event of an emergency or shutoff for non-payment, the City may require immediate compliance and assess all charges and expenses to the property owner as described in Sections 8-7-9 and 8-7-12, W.M.C.
- iii. If the person so notified fails to comply with the requirements of the notice, the City Manager or manager designee may cause the work to be done and charge the costs thereof, together with an amount up to \$25.00 for administrative costs, to the person so notified. Such costs shall be added to the charges for water service, and failure to pay such cost shall warrant and authorize the City in shutting off the water.

Notwithstanding the enforcement provisions set forth in this Section, the City Manager or manager designee, may order a shut off of water service to a property if the City Manager or manager designee, reasonably finds that an extreme waste of water is occurring on the premises.

No one shall be entitled to purchase or pay for a utility tap permit prior to issuance of a building permit for the premises for which the tap is to be used; provided, however, that the foregoing restriction may be waived by the City Manager or manager designee upon a finding that the proposed utility permit will not require the issuance of a building permit.

## Section 2 Types of Water Service

It is the intention of these Utilities Service Rules that all water delivered through a service connection will be metered and billed. No device other than a City-approved meter shall be installed between the yokes within a meter pit (i.e. idler tubes, meter jumps, etc.).

1. Connection charges and payment for all water used from the time of initial service installation shall be the responsibility of the applicant.

The City reserves the right to determine the size and type of the service connection to be installed. New service laterals two (2) inches and smaller shall have a minimum lateral diameter equal to the meter size but in no case shall the lateral diameter be less than one (3/4) inch. Couplings shall not be used on service laterals two (2) inches and smaller. Laterals shall be continuous from the corporation stop to the angle meter stop. No service connection shall be approved of a size larger than can be supplied by the main without adversely affecting service to other customers.

Whenever two mains are available from which service can be provided, the City shall, as its option, determine the main to which the service connection will be made.

Plans acceptable to the City are required for all service connections. Plans shall be prepared by a Colorado Registered Professional Engineer.

Approval by the City for any service connection shall be valid for one (1) year. In the event that construction of the service connection covered by any approved plan is not started within one (1) year from the date of approval, the project shall be assumed to have been abandoned, and any subsequent proposal for reactivation shall be treated as a new project which will include payment of fees and fulfilling all water commitment requirements in

effect at the time the project is reactivated. The same shall apply when active construction work is discontinued for one (1) year. In the event that plans expire, or there is an abandonment of or cessation of construction, prepaid fees, charges and deposits shall be refunded except those that were collected as non-refundable, or used by the City to pursue completion of all or part of the project, as determined by the City. In the event that the project is reactivated prior to the City refunding applicable fees, those fees will be applied toward the fees required of the “new” project.

2. All service connection types shall be classified as domestic, private fire, combined, commercial, construction and/or supplemental for billing purposes.
  - i. Domestic Service. Includes all service connections through which water is delivered for all purposes permissible under the law except private fire protection.
  - ii. Private Fire Service. Includes all service connections through which water is delivered to private property exclusively for fire protection.
  - iii. Combined Service. Includes all service connections through which water is delivered for domestic use and for onsite fire protection.
  - iv. Commercial Service. Includes all service connection through which water is delivered to a commercial property, business, or industrial application.
3. Location. Service connections shall be installed in accordance with Westminster Specifications Chapter 3 or approval from Westminster Public Works and Utilities Department. The point of connection shall not be within a street intersection, nor shall any portion of the service connection be within the intersection. The meter location shall be within the public right-of-way or easement on the property to be served. In alleys or easements (within which the main is located), meters shall be located at a point as close as practicable to the property line of the property being served. All meters shall be located outside of driveways and other areas where access by City personnel for operation and maintenance may be restricted. The meter vault shall be located outside of travel lanes and driveways and shall be protected from vehicular traffic, as determined by the City. If the applicant feels extraordinary conditions exist that prevent compliance with this requirement, the applicant may submit to the Director of Public Works and Utilities, a written request for a waiver of this requirement. The Director, at his option, may approve or disapprove the applicant’s written request.
4. Composition. Specifications for materials, appurtenances and construction techniques for service connections are determined and approved solely by the City and may be obtained from the Public Works and Utilities Department.
5. Ownership. Service connections including service lateral piping, meters, boxes, shut-off valves and all other appurtenances shall be and remain the property of the City upon acceptance of the installation by the City. The City shall be responsible for the maintenance and repair of such facilities after the two year warranty period for new construction, excluding backflow prevention assemblies, subject to any agreements covering the installation of such facilities. All pipe and fittings on the customer’s side of the meter or all facilities within the customer’s property shall be installed by and maintained by the property owner. Any entry into, or work, including but not limited to operation, maintenance, repair, or relocation of City property by any unauthorized person is expressly prohibited and may result in service being discontinued.

## 6. Meter Set Installation Reinspection Fee

Water tap fees provide for customary inspection of the meter set only once. Where additional inspections are made necessary by incomplete or faulty work or incorrect posting by the contractor, a fee of \$45.00 shall be charged for the second inspection, a fee of \$90.00 will be charged for the third and any additional inspections. This fee shall be charged to the holder of the permit and paid to the City through the Department of Public Works and Utilities before any additional inspections will be made.

## 7. Meter Sets

All meter set inspection requests and questions for any size of meter, commercial or not, should be directed to [303-658-2549](tel:303-658-2549) (The Meter Set Hotline) and leave a voicemail with contact information. Upon request, the City of Westminster Meter Shop staff will meet new contractors and developers on site to review Westminster specifications, expectations, and perform a courtesy inspection.

No meter will be set until all fees have been paid, which includes tap fees. Utility Billing will verify fees paid in full and will then assign account information prior to a meter set. Meter shop staff will print out the permits with paid tap fees and new account numbers in the associated meter set permit folder to be attached to the new meter installation work order.

Utility operations hours are Monday through Thursday from 6:30 AM to 5:00 PM. No sets will occur outside of this time.

### i. Residential (Non-Commercial/Irrigation) Sets:

The City will provide 3/4 and 1 inch meters and transmitters to all residential, non-commercial accounts.

The requestor of the meter pit inspection/set must call the meter set hotline at 303-658-2549, and provide an address for the meter set, the building permit number, contact name and phone number.

The address of the meter pit shall be clearly marked, and prior to setting the meter, an inspection must pass in accordance with necessary pit specifications (depending on meter size and pit location). If a backflow prevention assembly is required, such as home fire suppression, no meter will be set until the backflow assembly is installed with a passing field test by a certified backflow tester and a hard copy of the backflow test report is left on site. Temporary construction meters can be rented at the City of Westminster MSC building, located at 6575 W. 88th Ave. Westminster, CO, 80031. For questions regarding meter rentals contact the front desk at 303-658-2500 Monday - Thursday from 7:00AM - 6:00PM.

Digital permit cards in the City's TrakiT system will be signed upon completion, indicating a passing inspection and that the meter has been permanently set. Backflow test reports will be required with the permit.

\*Starting with 2013 permits and indefinitely, all new residential meters in city limits will be fire rated. A current City of Westminster approved  $\frac{3}{4}$ " or 1" meter will be installed by a Utilities employee (depending on requirements) to comply with the new state regulations regarding fire suppression systems and flow requirements. All  $\frac{3}{4}$ " taps that have been "grandfathered" in must have a true  $\frac{3}{4}$ " yoke. An existing  $\frac{5}{8}$ " x  $\frac{3}{4}$ " yoke must be upgraded to a true  $\frac{3}{4}$ " yoke and include an angled ball valve as indicated on the spec sheet.

ii. Commercial/Irrigation/Large Meter Sets

All commercial and large meter accounts must have the meter and equipment be purchased and supplied to the City of Westminster in accordance with the tap permit instructions. The meter and associated equipment includes: (If applicable) stainless steel nuts and bolts with anti-seize properties, gaskets, and reading equipment. The meter and equipment must be delivered to the MSC, located at 6575 W. 88<sup>th</sup> Ave. Westminster, CO, 80031, (labeled: *attn.: Meter Shop*), along with information of the meter set address and contact information (Company name, point of contact and phone number). The meter is then tested and stored until the set is requested. The requestor MUST call the Meter Set Hotline at 303-658-2549 to schedule an appointment to meet at the set site. Technicians will deliver the meter and equipment at the scheduled time to the jobsite and oversee the meter installation and the contractor will have a plumber set the meter after passing an inspection by the Meter Shop representative.

All permitting requirements, to include reclaimed water permitting, will be verified prior to the meter being set. Reclaimed water accounts will need a Notice of Authorization number from the State of Colorado (NOA) before the meter is set.

The meter pit/vault is inspected in accordance with necessary pit/vault specifications. No meter will be set until a backflow assembly is installed, including fire service lines. The Contractor will have 10 days from the meter set date to have the all applicable containment backflow assembly(s) field tested by a certified backflow tester. If a backflow test report has not been received by the Meter Shop in the allotted 10 day period, the water will be locked off until the contractor can arrange a backflow tester to meet City staff on site to perform the field test.

8. Metering Requirements for Conversion of Developments.

All existing developments which were developed in accordance with any applicable zoning ordinance enacted pursuant to law that are to be converted from rental occupancies to occupancies for the transfer of titles in an occupancy and open space may, upon approval by the City, retain the existing services without modification except when such services are required to be modified in the interest of the public health, safety and welfare or as required by state or federal regulations. The City may authorize the retention of the existing services.

Any request for City authorization to retain existing domestic and/or fire services must be made in writing to the Director of Public Works and Utilities. Such requests must include proposed Covenants, Conditions and Restrictions which include property management payment of water bills for all communal water services. The City will not prorate water bills for domestic or fire services between customers. Property management shall be responsible for the maintenance and repair of all communal backflow prevention

assemblies. Such requests must include specific reasons to allow retention of existing services which may include, but are not limited to, the following:

Full compliance would create a clearly identifiable financial hardship that will have a prohibitory impact upon prospective purchasers in interest in the property or upon existing owners.

Full compliance would clearly place an undue burden upon the City in terms of additional maintenance responsibilities not previously existing.

Upon receipt of written requests, the Director of Public Works and Utilities or designee will review the request and confer with the requesting party for a period not to exceed twenty calendar days. The Director of Public Works and Utilities shall notify the City Manager's Office in writing as to any action on such requests. The Director of Public Works and Utilities shall place such a request on an agenda for City Council action in the event that:

The requesting party is aggrieved by the Director of Public Works and Utilities' decision and files a written request to appear before the City Council within ten calendar days of the date on which the Director of Public Works and Utilities' decision was provided; or

Any member of the City Council may notify the Director of Public Works and Utilities within ten calendar days after the Director of Public Works and Utilities' written decision that the matter should be placed on the next available Council agenda.

### Section 3 Specialty Water Service

1. Service Connection Types. Each of the following connection types shall be classified according to Section 3 for billing purposes. A backflow prevention assembly may be required by the City with any of the service connection types.

i. Combined Service

Combined service shall mean a single service connection through which water is obtained for the dual purpose of private fire service and domestic service. All components in the meter, including the check valve in the "fireline" section shall be exercised regularly to insure proper operation under all flow conditions.

ii. Emergency Service Connection

Emergency service connection shall mean a service connection required to provide water to safeguard health and protect private or public property. Emergency service shall be authorized for limited periods of time when the usual source of supply fails. Connections may be provided, at the discretion of the City, to a water hydrant or any acceptable City facility. The applicant shall pay all installation costs and applicable fees, charges and deposits and shall make application for a main extension in accordance with Section 9 if applicable.

All emergency services shall conform to requirements of these Utilities Service Rules and shall be limited to a maximum of sixty (60) calendar days. Should the need for emergency service extend beyond sixty (60) calendar days, the applicant shall apply to the City for a time extension. Extensions of an emergency service shall be at the discretion of the Utilities Operations Manager. In the event that the emergency service will provide water to multiple users, a deposit shall be submitted that shall include an

amount for an estimated thirty (30) calendar days of consumption including service charges for each unit of property to be served. A single monthly bill shall be issued to the applicant, who will be responsible for payment.

iii. Water hydrant Service

Water hydrant service shall mean a service connection for the installation of a water hydrant to be located within a public right-of-way or easement. The water hydrant shall be of a type and manufacturer approved by the City.

iv. Private Fire Service

Private fire service shall mean a service connection for a single parcel through which water is available on private property for fire protection exclusively, and is not intended to serve additional parcels or uses. A private fire service shall be equipped with a City approved backflow prevention assembly. The assembly shall be a double check detector assembly (DCDA) or reduced pressure principle detector (RPDA) assembly.

a Unauthorized Use of Private Fire Service

When it is found that a private fire service is being used for purposes other than standby fire protection, the City shall notify the customer of unauthorized use. Failure to discontinue unauthorized use will be cause for shut off and/or prosecution as prescribed by law. The customer may be charged for the water consumed through the unauthorized use, as the City may deem appropriate, consistent with established water rates.

2. Metered Water for Construction and Other Approved Uses. Water taken through public water hydrants except for firefighting purposes will be metered. Applicants wishing to take water from a water hydrant must obtain a hydrant valve and meter from the City. A refundable deposit and a permit fee will be assessed upon application for these devices.

i. The following information is required to be fully read and understood by any individual whom chooses to enter into an agreement with the City of Westminster for the lease of a City issued water hydrant meter. The applicant requesting the issuance of a water hydrant meter must be an authorized signatory with the company which the request is being made on behalf of. All areas of this document must be completed fully in order for the application to be processed.

A City of Westminster issued water hydrant meter is required to be utilized for any construction water usages from a water hydrant within the City of Westminster. Any individual found utilizing a water hydrant without a City of Westminster issued water hydrant meter will be subject to a \$1,000.00 tampering fee and a minimum fee of \$1,000.00 for unknown water loss, this fee is subject to change with determination of the duration of the illegal connection. Any damages caused by the illegal connection will also be the responsibility of the individual. All hoses and equipment found illegally connected to a City of Westminster water hydrant will be subject to immediate confiscation.

The applicant will be responsible for any damages to the water hydrant meter, water hydrant, fire hoses, and hydrant wrench. The hydrant wrench is the only approved tool for operating a City of Westminster water hydrant. Any individual found operating a water hydrant without the use of a water hydrant wrench will be assessed a fee of

\$500.00. Any individual operating a water hydrant within the City of Westminster will be required to operate the hydrant slowly when opening and closing in order to prevent any water hammer to the distribution system.

The applicant will be required to provide a business checking account that a required deposit amount will be withdrawn (\$35.00 non-refundable). Water hydrant meters are billed monthly and are required to have automatic payments set up to be withdrawn from the same account that the deposit is associated with. This checking account must remain open and active during the duration of the water hydrant meter rental. Water hydrant meters will be billed at the same rate structure of a 3" commercial water meter account.

Disclaimer: It is understood that all debit entries initiated by CITY pursuant to this agreement shall be subject to the following provisions:

- ii. If the amount of an entry to be initiated by CITY differs from that of the next previous entry initiated pursuant to this agreement, CITY shall, within not less than seven (7) calendar days before such succeeding entry is to be debited to CUSTOMER'S account, send to CUSTOMER written notification of the amount of such entry. Similarly, if any change is made by CITY in the date of the billing cycle on or after which such entries are to be debited to such account, CITY shall, within no less than seven (7) calendar days before the first entry to be affected by such change is to be debited to such account, send to CUSTOMER written notification of the new date on or after which such entries are to be debited to such account. The provision will not apply if the CUSTOMER has authorized the initiation of a single entry to his account or if the account or if the CUSTOMER has agreed that entries representing indebtedness to his account may be debited at any time after the indebtedness is incurred.
- iii. CUSTOMER may by notice to BANK stop payment of any entry initiated or to be initiated by CITY to CUSTOMER'S account pursuant to this agreement but such notice must be received by BANK in such time and in such manner as to afford BANK a reasonable time to act on it. An oral notice shall be binding on BANK only for fourteen (14) calendar days unless confirmed in writing within that period.
- iv. If an entry is erroneously initiated by CITY to CUSTOMER'S account, CUSTOMER shall have the right to have the amount of such entry credited to such account by BANK if within fifteen (15) calendar days following the date on which BANK sent or made available to CUSTOMER a statement of account or notification pertaining to such entry, CUSTOMER shall or deliver to BANK a written notice identifying such entry was in error and requesting BANK to credit the amount thereof to such account.

The applicant will be required to provide a University of Southern California Foundation for Cross-Connection Control and Hydraulic Research approved reduced pressure backflow prevention assembly to be installed directly to the water hydrant. The reduced pressure backflow prevention assembly must have the appropriate fittings (2" MIP x 2 1/2" FNST with swivel and 2" MIP x 2 1/2" MNST) to attach to the water hydrant and also the water hydrant meter. A pipe stand must be supplied by the applicant and used at all times underneath the reduced pressure backflow prevention assembly in order to prevent damage to the water hydrant.

When the applicant completes the water hydrant meter application, the individual listed as the job site point of contact will be contacted by a City of Westminster

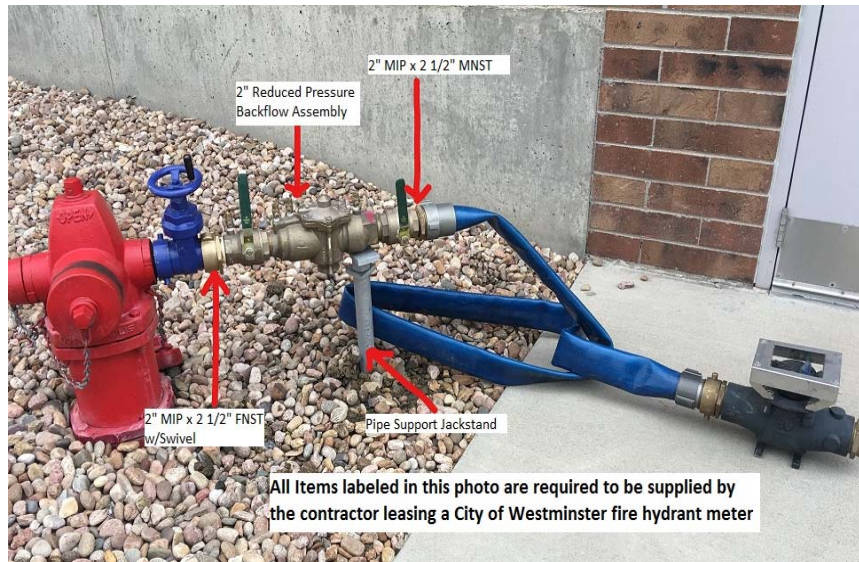
technician with 24 hours to schedule an installation meeting. If the job site point of contact changes at any time during the water hydrant meter lease, the City of Westminster must be notified within 5 business days. All installation meetings will be scheduled Monday-Thursday between 8 A.M. and 12 P.M. The City of Westminster technician will meet the point of contact on site for the initial installation of the water hydrant meter and backflow prevention assembly. The City of Westminster technician will explain the available hydrants to be utilized in the area. Immediately upon installation of the reduced pressure backflow prevention assembly, the City of Westminster technician will perform a test of the backflow and certify that it is in proper working order. The backflow must pass the certification process in order for the water hydrant meter to be issued.

Water hydrant meters will be issued for a maximum of 6 months. The applicant must submit a request for water hydrant meter retrieval and a City of Westminster technician will schedule the pick-up 24 hours after the date of request. A representative and all City leased equipment must be present at time of pick-up or a fee of \$45.00 will be assessed. All water hydrant meter pick-ups will be scheduled Monday-Thursday between 1-4 PM. If the water hydrant meter is not returned within 30 days after the 6 month deadline, it will result in the loss of deposit and the account will continue to receive a monthly bill until the water hydrant meter is returned. If the water hydrant meter is lost or stolen, it will result in the loss of deposit and billed for 260,000 gallons of water usage.

If the applicant requires the usage of the water hydrant meter beyond the 6 month lease, the original issued water hydrant meter must be returned and an additional application must be filled out. The deposit from the original issued water hydrant meter may be transferred to the new lease agreement, less any incurred charges for damages to leased equipment.

Approximately ninety (90) days after the original billing date the City will send all unpaid bills from closed accounts to the Collections Agency contracted with the City to perform the collections. A service charge of the greater of \$25 or twenty-five percent (25%) of the amount due will be added to each account to pay for the collections services.

The hoses connected after the water hydrant meter may not be reduced to less than an 1 ½". Any individual found with a connection of less than a 1 ½" or a connection made without a reduced pressure backflow prevention assembly installed will be subject to a \$1000.00 tampering fee. All water hydrant meters must be installed per City of Westminster specifications. See attached picture.



3. Non-Metered Water. All water must be accounted for. Load count sheets can be utilized with written approval from Utilities Operations Manager or designee.
4. Metering Requirements for New Developments.
  - i. Separate domestic services (and fire services where applicable) are required for each dwelling unit, public, commercial, and/or industrial occupancy located on a single parcel. If, in the opinion of the City, a single meter for each building, or for all domestic service is the most practical installation given the conditions of the site, one (1) meter to serve each building or to serve the entire development may be allowed. The City, at its option, may allow a communal fire service to be installed. The City retains the right to require separate services for domestic and fire protection uses and to determine the quality, type, size and location of all services and appurtenances.
  - ii. Each lot of a commercial subdivision shall have a minimum of one (1) metered domestic service. When a fire service is required, each lot shall have a minimum of one (1) fire service. The City, at its option, may allow a communal fire service to be installed. A communal fire service will only be considered after a property management association has been formed that accepts responsibility for all fees associated with the fire service and all associated backflow prevention maintenance.
  - iii. In the event any parcel is to be divided into more than one (1) lot after water service is obtained from the City, it is the current property owner's responsibility to obtain from the City additional domestic and fire services for the additional lots prior to the parcel division.
  - iv. Common area elements within a development must be metered separately and are the responsibility of the property management association. In the event multiple property management associations are formed after water service is obtained from the City, it is the responsibility of each association to obtain from the City, additional domestic service(s) for each common area element under the association's jurisdiction. All such services must be installed in accordance with all applicable codes and standards in effect at the time of installation.

## Section 4 Application for Water Service

1. Existing Service Connection. Each person applying for changes to an existing service or a new water service will be required to sign application forms provided by the City and to pay all required fees, charges and deposits. The application form shall include an agreement to abide by all City rules and regulations and the applicant shall furnish such information as the City may reasonably require. Each application shall be for service to a particular parcel of property and the applicant shall describe the type of development proposed for the property.

Any costs incurred by the City to bring an existing service connection to City standards are the responsibility of the property owner. Physical evidence of a service adjacent to a property does not necessarily mean the service is available for use without additional fees or charges.

2. New Service Connection. In addition to the information required for service through an existing service connection, the applicant shall provide any and all information which will assist the City in properly sizing and locating the service connection, including a description of the development, the use of water and plumbing plans of the private facilities. The applicant must identify the desired location of the meter. Applications shall be accompanied by payment of all required fees or deposits. A written legal description of the property to be served shall accompany any application for service to property not within an approved subdivision.

- i. Relocation of Service Connection.

A service connection may be relocated on an existing parcel, however, it may not be moved to a new parcel. Abandonment of the existing service connection shall be in accordance with the Westminster Utilities Division Service Rules Section 5-6-iv.-b.

- ii. Inaccurate/Insufficient Information.

In the event information provided by the applicant is found to be inaccurate or insufficient after work has commenced or service has been turned on, the applicant will pay any and all costs and/or fees, charges and deposits necessary to effect corrective action and service rule compliance. The above will also apply in instances of onsite changes necessitating corrective action or modification to the service connection.

- iii. Refusal of Service.

Service through existing or new service connections may be refused if:

- a The account of the applicant at the same or any other location is delinquent.
- b The purpose of the applicant, in the opinion of the City, is to circumvent discontinuance of service in another name because of non-payment of water bills or other infraction of these rules.
- c The requirements of these Utilities Service Rules are not fulfilled.
- d There is no water commitment to the property.

3. Application for Reestablishment of a Disconnected Service.

The customer shall be required to pay all past due charges and costs, including but not limited to, disconnection and reconnecting charges, delinquent processing fee, returned

check fee, deposits due, service charge and consumption fees before service shall be reinstated. The City may, at its option, require payment of additional deposits before service is reconnected.

It shall be the responsibility of the customer to inform the cashier that the service has been disconnected for "delinquent status" and that reconnection is desired.

In the event a service is disconnected for illegal or unauthorized use or connection, the property owner will be responsible for reestablishing service and shall be required to pay all applicable fees, charges and deposits.

4. Abandoned Service Connection.

Applicants who apply for activation of a service that has been classified in City records as abandoned will be required to make application for a new service connection and pay all applicable connection charges, application fees and inspection fees. The service must be brought to current City standards at the applicant's expense, and an application fee paid, before it is reactivated.

5. Installation of Service Connection. The property owner shall be responsible for payment to the City of all applicable fees, charges and deposits in effect at the time the application is made. Service connections shall normally be installed by the applicant.

The following shall apply to installation of the service connection by the applicant:

- i. The applicant shall submit plans acceptable to the City for all service connections. Plans shall be prepared by a Colorado Registered Professional Engineer.
- ii. The City shall inspect the installation of the service connection from construction commencement through meter installation. The City shall also inspect the installation of any required backflow prevention assemblies prior to service activation. The City reserves the right to withhold service if the work does not comply with City requirements and standards.
- iii. For residential meters, the applicant shall obtain the meter from the Utilities Department. For commercial meters, the applicant shall provide a meter which meets City specifications and is approved by City of Westminster. In all cases (including fire services), meters shall be compatible with SENSUS AMR protocol and must be installed with the encoded register.
- iv. Meters obtained from City stock will be acquired in accordance with procedures adopted and approved by Westminster Municipal Code. The meter and backflow (if required) shall be properly before any water is drawn through the service connection.
- v. Payment for all water used from the time of initial meter installation shall be the responsibility of the applicant and will be charged at the applicable commodity rate.
- vi. In cases where the installation is being made to a main from which other City customers are being served, the tapping of the main will only be permitted in the presence of a City representative.
- vii. Service connections must be installed by a contractor properly licensed in the State of Colorado.

## Section 5 Condition for Continued Water Service

1. **Water Use Limitations.** In the event of water shortages, emergency conditions, or inability of the delivery system to provide adequate volumes of water, the Director of Public Works and Utilities or designee shall have the authority to limit water usage. The City may enforce any action taken under these Utilities Service Rules by any legal means, including disconnection of a customer's water service.
2. **Wasting Water - Penalty.** The waste of water in the City of Westminster is prohibited and declared unlawful by City Ordinance.
3. **Emergency Provisions.** The City Council may, in its responsibility of safeguarding the public health in the City, declare emergency measures to be taken to conserve the water supply of the City of Westminster. Such emergency measures may include, but are not limited to: defining and prohibiting nonessential water usages; establishing usage allotments for all water users; modify water rates to encourage conservation; minimize peak load demand on the water system for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; provide the City sufficient revenue to meet the financial burden of emergency measures being taken to preserve and continue sufficient supply of high quality water to its consumers and to avoid the necessity of even more serious rationing measures.
4. **Damage to City Property**

Persons causing damage to City property by any willful or negligent act shall be responsible for payment of costs incurred, and any and all penalties as prescribed by law.
5. **Prosecution for Illegal Tap of Water System**

It is unlawful for any person, company or corporation to tie onto or tap into the water system of the City or to tie onto, tap into or in any manner connect to the water line of any other person, company or corporation connected to the City water system. All tie-ins and connections to the water system of the City shall be made under the supervision of the Utilities Operations Manager, or designee.
6. **Modification of Water Taps**

A water tap, once installed, is associated with the building and property that it serves and no person shall disconnect, modify or change the tap in any way, except as provided below:

  - i. **Relocating Taps:** The disconnection or relocation of a water tap is subject to the following requirements:
    - a Any person disconnecting or relocating a water tap must obtain written permission of the Director of Public Works and utilities or designee prior to commencing said disconnection or relocation; and
    - b Disconnection of an existing water tap and/or installation of a relocated tap shall meet all requirements of Sections 8-7-3 and 8-7-4, W.M.C., and shall be completed by the owner at the owner's expense; and

- c Existing water taps may be disconnected and relocated to serve a use or building elsewhere on the same property or moved to serve a use or building on a different property, only if both the property served by the existing tap and the property to which the tap is being moved are under the same ownership; and
  - d When a water tap is relocated and applied to the same use with the same pattern and amount of water use, a utility permit and the payment of the connection fee shall be required for the connection.
- ii. Change in use Constituting Expansion: A change in use is subject to the following requirements:
  - a A change in use must be reviewed by the City's building division using the applicable plumbing code. Such review will include a fixture unit count evaluation, a water velocity evaluation, and an AWWA guidelines review. A change in use is presumed to occur when:
    - i) The use of the served property is changed to a different use category for zoning or land use purposes, or
    - ii) Any modifications to the landscape are made that require an Official Development Plan (ODP), ODP amendment, or ODP waiver, or
    - iii) Any building or plumbing modifications that require a permit are made to the served property, or
    - iv) A new or additional water use is introduced on the served property, or
    - v) A water tap is relocated and applied to a different use or building on the served property, or
  - b If the review of the change in use determines the need for a larger water tap and/or meter than previously purchased for the property, the use will be considered an "expansion of use".
  - c When an expansion of use occurs, a water tap fee in an amount equal to the difference between the current water tap fee for the existing tap and the current water tap fee for the new tap, including the connection fee, serving the new location and/or use shall be paid.
- iii. Building Demolition
  - a When any building currently having a water tap is demolished, and a building permit for a new building on the same parcel is issued within three years of the last registered water consumption and the new building maintains the same use with the same pattern and amount of water use as the pre-existing building, no new water tap fee shall be required, and the new building shall be regarded as being served by the tap in service prior to demolition of the pre-existing building. However, if the new building requires a meter installation, the current connection fee shall be paid.
  - b When any building currently having a water tap is demolished and no new building permit on the same parcel is issued within three years of the last registered water consumption, abandonment will be presumed.

iv. Abandonment

- a Water resource service commitments are associated with a tap. Abandonment of any tap will result in the forfeiture of the associated service commitments.
- b Any building having a water meter not registering usage for more than 36 consecutive months, and for which payment of the monthly meter charge has not been made continuously, shall constitute an abandonment of the associated water tap and service commitment and the meter shall be removed by the City. Notification of the effective date of the abandonment of the water tap shall be mailed to the last known address of the property owner or manager. Any subsequent water usage by that building shall require receiving a new service commitment and the purchase of a new water tap.
- c Upon abandonment of a tap, the consumer or the property owner shall be responsible for returning the meter to the City, and removing the existing service line from the meter pit to the corporation stop at the water main. An appropriate street cut permit shall be required to assure proper inspection and reconstruction of the street. In the event the service line is not appropriately removed, the city may remove the same and charge the cost thereof to the real property formerly served and may collect said charges in the same manner provided for in Section 8-7-9, W.M.C.

7. Cross Connection Control and Backflow Prevention

The City of Westminster’s Cross-Connection Control program is conducted pursuant to Colorado Department of Public Health and Environment (CDPHE) regulation 11.39.

All backflow prevention assemblies for service protection are to be tested and maintained by the property owner in accordance with CDPHE regulation 11.39 and Westminster Municipal Code 8-7-27. Proof of testing along with results must be provided to the City of Westminster annually and/or upon request. The property owner is responsible to maintain the required clearance around the backflow prevention assembly for testing and maintenance purposes.

i. Cross-Connections

No cross-connection between a public water system and any secondary water system shall be permitted unless said connection is protected by means of an approved backflow prevention assembly.

All assemblies shall be tested annually unless, in the opinion of the Utilities Operations Manager, the degree of hazard warrants semi-annual tests. Beginning January 1<sup>st</sup>, 2021, all testers shall possess a valid American Backflow Prevention Organization (ABPA) General Tester Certification or other certification deemed acceptable by the Utilities Operations Manager. After this date, the USC/ABPA method of testing shall be the only accepted testing methodology unless otherwise specified by the Utilities Operations Manager. Notifications of upcoming backflow tests due will be mailed to the address on record 30 days prior to the annual test due date. If a test report is not received by the annual test due date the backflow prevention assembly will be considered non-compliant and a past due notification will be mailed to the address on record the day after the annual test due date. If a test report is not received within 15 days after the annual test due date, a final notice with a 30 day deadline will be sent to the address

on record. If no test report is received within the 30 day deadline (total notification of 75 days and 45 days past due) the account will be disconnected due to non-compliance pursuant to WMC 8-7-27 B and will be subject to a disconnect fee WMC 8-7-9.

In the event that a backflow prevention assembly fails the annual inspection, a failed notification with a 30 day deadline will be sent to the address on record. The assembly must be repaired or replaced and pass the annual inspection within 30 days of notification pursuant to CDPHE regulation 11.39 or the account will be disconnected for non-compliance and will be subject to a disconnect fee. Any account disconnected due to backflow non-compliance will be required to schedule restoration through the City of Westminster Utility Billing department. A certified backflow prevention assembly tester will be required to be present to test the backflow assembly immediately upon restoration of service. The assembly must pass the inspection in order for the account to remain active.

The City of Westminster may require access to properties of customers currently receiving water service in accordance with 8-7-27 (B) 2 to conduct a cross-connection control survey pursuant to CDPHE regulation 11.39. The purpose of this survey is to establish the extent of protection required for the City of Westminster's water system based on an evaluation of customer water use on site. Examples of on-site uses requiring protection include, but are not limited to, laundries, businesses that mix and process chemicals and water, potable and/or non-potable irrigation systems, and fire services. Water from a customer's service may, under certain conditions, be drawn into the public water supply through the meter (through a backflow condition such as back siphonage or backpressure). If there are existing or potential cross-connections with non-potable fluids on a customer's property, the water drawn into the public water system may be contaminated and therefore compromise the City of Westminster's supply. The installation of a City of Westminster approved backflow prevention assembly at the entry point and immediately downstream of the main shutoff valve may be required based on the results of the survey and the identification of existing or potential cross-connections within the property. Such installations may also be required pursuant to CDPHE regulation 11.39. The City of Westminster may determine that there is the potential for contamination of the City of Westminster's distribution system from an existing service(s) due to processes on a customer's property. This requirement may be made in the absence of a cross-connection control survey pursuant to the conditions specified in CDPHE regulation 11.39.

A City of Westminster approved backflow prevention assembly at the entry point just downstream of the main shutoff valve will be required at applicant's expense for all new services to commercial and industrial facilities per Westminster Standards and Specifications Chapter 3.24.08, all new fire services, all new potable and/or non-potable irrigation services, all services for parcels with multiple services, for the relocation or upgrade of existing services, or when on-site work occurs to any facility which would otherwise qualify for installation of a backflow prevention assembly pursuant to CDPHE regulation 11.39.

The backflow prevention assembly shall be installed by a properly licensed contractor. A permit from the City of Westminster for the installation and inspection shall be obtained by the owner/developer for all backflow prevention assembly installations.

The installation shall be approved and inspected to City of Westminster standards before the service is activated (meter installed). The assembly must receive a passing test within ten days of service activation. Failure to provide a passing test within ten days of service activation shall be grounds for termination of water services.

An approved backflow prevention assembly appropriate to the degree of hazard shall be installed at the point of entry to an existing customer's water system as a prerequisite of continued service:

- a Whenever entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist or as required by CDPHE regulation 11.39.
- b Whenever an emergency turn off is necessary, as determined by the degree of hazard.

Customers will be notified by mail when a survey or other action (such as a public works or City of Westminster project related to existing service removal and relocation, or service adjustment) has revealed that an existing service has been identified as requiring installation of a new or upgraded backflow prevention assembly. The customer shall be required to have the backflow prevention assembly installed in a manner acceptable to the City of Westminster within 90 days from the date of the notification. If, after the 90 day period elapses should the backflow prevention assembly not be installed, the City of Westminster shall notify the customer of their failure to meet these requirements. If the customer has not completed the installation of the backflow prevention assembly nor responded to the City of Westminster 30 days following the notification (120 days elapsed time from initial notification) the service to the customer's account will be terminated. If before the 120 days have elapsed, the customer asks for an extension to complete the installation, the City of Westminster may, on the customer's behalf, request an extension from the CDPHE. The customer must provide documentation proving the need for an extension and showing a timeline for the installation to be completed, in order for the request of an extension to be submitted to the CDPHE. A REQUEST FOR AN EXTENSION OF THE 120 DAY DEADLINE DOES NOT CONSTITUTE APPROVAL and services may still be terminated.

ii. Installation of Backflow Prevention Assemblies

Installation of a backflow prevention assembly appropriate to the degree of hazard by the customer\applicant shall be accomplished in accordance with the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California, latest edition, and be inspected and certified by Utilities Division staff prior to acceptance.

iii. Irrigation Systems

Private plumbing and/or connections are not allowed within a public meter pit or vault. The only types of backflow prevention assemblies approved for use in irrigation systems are atmospheric vacuum breakers, pressure vacuum breaker assemblies and reduced pressure backflow preventer assemblies. No other assembly or combination of assemblies will be accepted. The following guidelines shall apply to backflow prevention assemblies for irrigation systems:

- a An "atmospheric vacuum breaker" shall contain a reliable vacuum relief assembly,

shall be rated to 150 psi working pressure and to water temperatures up to 140 degrees Fahrenheit.

- i) An atmospheric vacuum breaker may not be installed where it will be subjected to either continuous working pressure or backpressure. It may only be installed downstream of the control valve on "lateral" or "zone" piping, and must be a minimum of six inches higher than the highest head on that lateral zone. The vacuum breaker shall be installed where it is accessible for periodic testing and where slight spillage would not be objectionable.
- b "Pressure vacuum breaker assembly" shall consist of an approved check valve, vacuum relief means, inlet and discharge shut-offs and field testing cocks. Vacuum breakers shall be rated to 150 psi working pressure and to water temperatures of 150 degrees Fahrenheit under continuous service.
  - i) A "pressure vacuum breaker" may be installed where it will be subject to continuous pressure, but shall not be installed where it would be subject to back pressure. The assembly must be a minimum of 12 inches above the highest head on the entire irrigation system it is protecting so that the installation will preclude back pressure. The vacuum breaker shall be installed where it will be accessible for periodic testing and where, if spillage occurs, it would not be objectionable.
  - ii) All pipe from the meter through the pressure vacuum breaker assembly and down into the ground to 12 inches minimum depth shall be type K copper, and all fittings and nipples either copper or red brass. A union shall be installed on the downstream side of the vacuum breaker assembly.
- c A double check valve assembly may not be installed to serve as a backflow prevention assembly in any irrigation system.
- d "Reduced pressure backflow preventer assemblies" shall consist of two separate check valves and a differential relief valve, inlet and discharge gate valves, testing cocks and a wye-strainer on the inlet side. A union or similar device that will allow removal of the assembly is required, and both check valves and the differential relief valve shall be so constructed that they may be serviced without removing the assembly from the line. The backflow preventer shall be rated to 150 PSI working pressure and to water temperate of 140 degrees Fahrenheit under continuous service.
  - i) A reduced pressure backflow preventer assembly may be installed under continuous pressure service and where it could be subject to back pressure. This assembly is generally considered the best protection of all backflow assemblies. Where fertilizer or other harmful chemicals may be introduced into the irrigation system, and under certain other circumstances, the reduced pressure backflow preventer may be the only acceptable assembly.
  - ii) A reduced pressure backflow preventer does not provide protection if it is under water or other liquid, and, therefore, shall not be installed underground unless drainage out of the vault is certain and adequate. If installation is to be above ground, a vandal-resistant device shall be selected, and major spillage shall always be allowed in an area where spillage can be seen, but would not be

objectionable. The assembly shall be located so that it may be tested periodically. Regarding manufacturer and models of these assemblies that are approved, the City follows the recommendations of the latest adopted edition of the University of Southern California Foundation for Cross Connection Control and Hydraulic Research.

iv. Fire Systems

- a The Chief of the Fire Department, or designee, shall have the authority to review the plans submitted for fire protection systems, approve the system installed, inspect the system and enforce the fire systems section of this ordinance.
- b Whenever practicable, water systems for fighting fire derived from a supply that cannot be approved as potable shall be kept wholly separate from drinking water pipelines and equipment. Where the domestic water system is used for both drinking and firefighting purposes, approved backflow prevention assemblies shall be installed to protect individual drinking water lines that are not used for firefighting purposes.
- c Fire protection systems are classified as low hazard, moderate hazard or high hazard, as follows:
  - i) A low hazard system is a single non-pumped system serving a building with a maximum height of 30 feet or a dry system. Backflow prevention assemblies required for a low hazard system are single detector check meter, alarm check valve or single soft seat check valve.
  - ii) A moderate hazard system is any wet system without corrosion prohibition or freeze protection chemicals. This may include systems with pumper connections, in-line booster pumps, private hydrants, or looped system. Backflow prevention assemblies required for a moderate hazard are an approved double check valve assembly or approved detector double check valve assembly.
  - iii) A high hazard system is any system where an auxiliary water supply is permanently connected to the fire system, corrosion, prohibition or antifreeze chemicals are used or a fomite installation is used. The backflow prevention assembly required for a high hazard is an approved reduced pressure principle backflow assembly.
  - iv) It is hereby declared that it is the responsibility of the person causing the introduction of unapproved or unsafe water into the City's pipelines during an emergency to see that a procedure to notify and protect users of this piping system during the emergency is developed and implemented and that special precautions be taken to disinfect thoroughly and flush out all pipelines that may have become contaminated before they are again used to furnish drinking water.
- v. Equipment taking water from the utility water system. Any vehicle for construction, maintenance or any other use used to store water taken from a utility water supply system shall be equipped with an air gap or an approved protective assembly. This shall apply to street sweepers, sanitary sewer cleaners (jet trucks), tank trucks, fire trucks, and any other equipment that utilizes water from the utility system and that could also be

used to draw or store another substance.

- vi. Backflow Assembly Service Fees. The consumer at any premises where system containment backflow control assemblies are installed shall be charged a monthly backflow control service fee based on backflow assembly size as listed below:

Backflow Size	Monthly Service Fee
10"	\$2.50
8"	\$2.00
6"	\$1.50
3" & 4"	\$1.00
1 ¼" to 2 ½"	\$0.75
½" to 1"	\$0.50

Single family detached dwelling units with irrigation backflow prevention assemblies are exempted from the service fees, unless fertilization occurs through the irrigation system connected to the backflow assembly in which case the fees shall apply.

- vii. Residential Fire Sprinkler Metering Requirements

The minimum meter size required for an individually metered residence with a National Fire Protection Association (NFPA) 13D Residential Sprinkler System will be 1". An increase of one meter size over the domestic requirement will be allowed for a NFPA 13D system without an increase in tap fees.

- viii. Backflow Tester Responsibilities

Beginning January 1<sup>st</sup>, 2021, all backflow testers operating within the City of Westminster's water system must possess a valid and current certification from the American Backflow Prevention Association (ABPA). After this date, the USC/ABPA method of testing shall be the only accepted testing methodology unless otherwise specified by the Utilities Operations Manager. The tester must also provide verification of the annual calibration report for the backflow testing equipment used on the potable and reclaimed water system. If the tester is performing tests on fire suppression backflow assemblies, testers must carry a current Fire Suppression Contractor-Backflow license issued by the State of Colorado. All certifications and licenses must be vetted prior to testing any backflow assemblies in the City of Westminster.

All testers testing in the City of Westminster must comply with our requirements in regards to testing potable and reclaimed/recycled water service backflow prevention assemblies. It is the tester's responsibility to verify and identify what is potable and what is reclaimed/recycled, and to use the right equipment for the type of water system in which they are testing. A dedicated non-potable test kit cannot be used when testing a backflow prevention assembly on a potable water system, and a dedicated potable water system test kit cannot be used to test on a reclaimed/recycled water system.

All reclaimed water piping, valves, meters, and equipment should be clearly labeled

and marked.



Field-test equipment used in testing these backflow prevention assemblies on reclaimed/recycled water systems need be clearly identified as non-potable field-test equipment and must be kept separate from field-test equipment used to test backflow prevention assemblies supplied by potable water systems.



In the State of Colorado it is the certified cross-connection control technician's responsibility to stay up to date with all federal, state and local codes and regulations. Testers that violate any of these requirements will be suspended from testing in our water service area.

All backflow test reports must be submitted in a timely manner. Test reports must be submitted via BSI within 7 calendar days of the actual test. Failed test reports must be submitted within 24hrs, and an email sent to **backflow@cityofwestminster.us** within 24hrs. If a tester/testing company refuses to submit a test report via BSI Online, the test will be submitted by city staff on behalf of the tester/testing company (as to not punish the water customer) and the tester/testing company will have their testing privileges in the City of Westminster immediately revoked. If The City of Westminster Backflow Staff identifies falsified reports, unreported failed tests, or any act deemed negligent by the tester, the tester in question will immediately be banned from testing within the City of Westminster's jurisdiction until further notice. It is the City of Westminster's policy to also report all fraudulent testing to the CDPHE and the tester's certifying agency. The tester may appeal the decision by requesting a hearing in front of City Backflow Staff and the Utility Operations Manager in writing within 10 days of notification.

## Section 6 Termination of Water Service

1. Customer's Request. Customers desiring to terminate service shall notify the City and provide a mailing address to which the closing bill will be mailed. Failure to notify the City

of customer's intent to terminate service shall not relieve the customer of responsibility for payment of any existing water bills, or any other charges prior to notifying the city.

2. Cause. Service may be discontinued by the City for any of the following causes:
  - i. Non-payment of Utilities bills or any other outstanding charges, fees or deposits;
  - ii. Non-compliance with these Utilities Service Rules;
  - iii. Inter-connection;
  - iv. Actual or potential cross-connection;
  - v. Illegal connections;
  - vi. Waste of water;
  - vii. Damage to the City's water system facilities;
  - viii. Obstructing access to any part of the City's water distribution system, including service connections.
  - ix. Tampering with meters, seals, locks, and/or equipment.
  - x. Failure to certify and/or maintain the service protection backflow assembly.
3. Notice of Termination. The City will endeavor to notify the customer prior to terminating or discontinuing a service. The City, however, reserves the right to terminate or discontinue a service without notice for tampering, or if continuing the service represents a health hazard or will result in property damage.
4. Bankruptcy Actions. In bankruptcy procedures, the City will make demand for adequate assurance of payment pursuant to Chapter 11 of the United States Code Section 366.

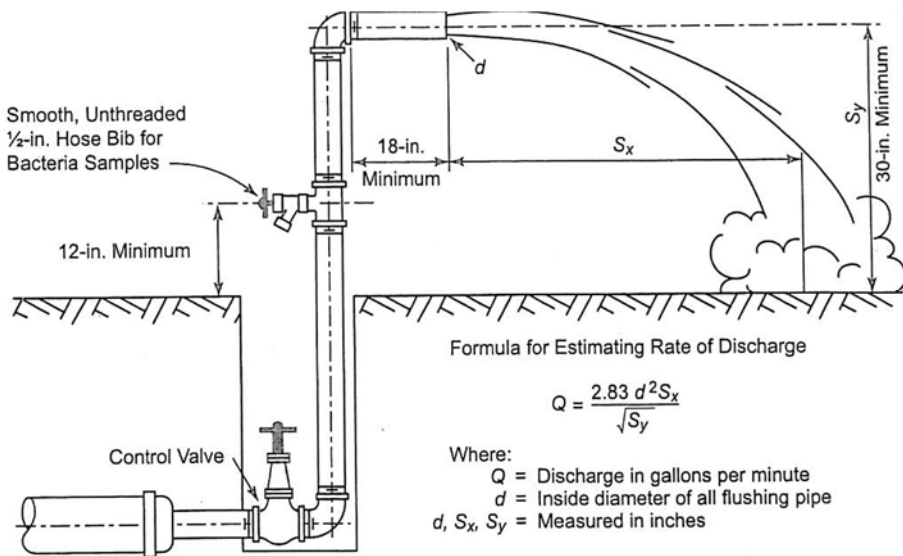
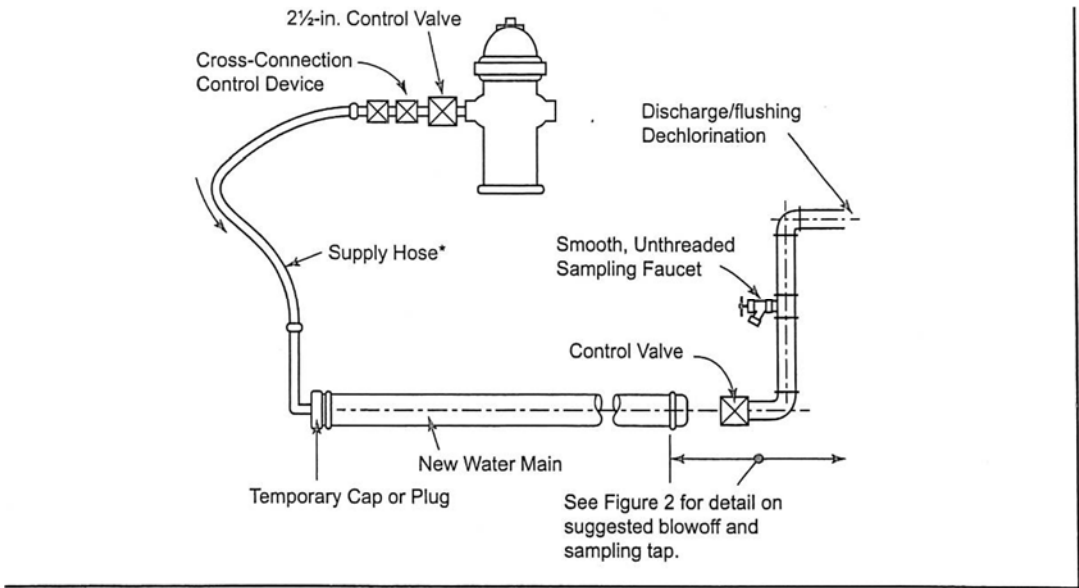
#### Section 7 Water System Extensions

1. Expansion of Facilities - City Financing. As the need arises, and as determined solely by the City, the City will construct major facilities in order to provide an adequate water supply, including transmission mains, reservoirs, and pumping stations, in general conformity with its Master Plan. At the discretion of the City Council, and as funds are available, the City may construct main extensions and other improvements which are required to improve or reinforce the distribution system.

#### Section 8 Protection of Water System

1. All new water piping must be disinfected, with acceptance by the Public Works and Utilities Department prior to connection to the existing system unless written approval is provided by the City's Legal Water System Owner or Legal Water System Operator in Responsible Charge. The utilization of a certified cross-connection control device is required as suggested in the AWWA/ANSI standards.
2. Disinfection/Dechlorination. All disinfection and dechlorination must be done in accordance with current AWWA/ANSI standards.
  - i. The City of Westminster Distribution system employs chloramination for disinfection.

Chloramines are incompatible with free chlorine. In addition the city's chloraminated system is operated at a pH of approximately 8.5 to ensure proper corrosion control. Pipeline disinfection must occur in a free chlorinated environment. Again, this is incompatible with chloramines and the high pH environment the city employs. For maximum disinfection the pH must be lowered to a range of approximately 7 to 8 . Dropping the pH below 6 causes the chlorine to off gas, and above 8 free chlorine loses it's disinfecting qualities.



Diagrams provided through AWWA/ANSI Standards C651 and C655

## Chapter 3 Wastewater

### Section 1 Condition of Wastewater Service

The application for a utility tap permit shall be made in writing upon a form furnished by the City and shall state clearly the tap size, address, and person applying for the tap and any other information as the City may reasonably require. The service sewer may be installed as part of the sanitary sewer construction if prior approval has been received from the City. Every applicant for a utility tap permit shall be required to obtain the permit prior to the use of the sanitary sewer.

No one shall be entitled to purchase or pay for a utility tap permit prior to issuance of a building permit for the premises for which the tap is to be used; provided, however, that the foregoing restriction may be waived by the City Manager or manager designee upon a finding that the proposed utility permit will not require the issuance of a building permit.

Connections to the City's wastewater system shall be based on the following criteria.

1. Wastewater service shall be deemed available if:
  - The property is improved with structures;
  - The occupied structures are within 400 linear feet of the wastewater system;
  - The wastewater system contains sufficient capacity to allow for the collection, transportation and treatment of the added wastewater volume; and
  - Either wastewater mains of sufficient depth to allow gravity flow from the main floor are adjacent to any property line or a pressurized wastewater private service lateral connection to the wastewater main is provided at the property line
2. Notwithstanding the preceding requirements, wastewater service will not be considered available if:
  - The wastewater system is farther than 50 feet from the customer's property line;
  - An easement is required on a separate parcel to access the wastewater system;
  - A railroad crossing permit is required to access the wastewater system; or
  - A body of water or wetland lies between the occupied structure and the wastewater system that would prohibit the installation
3. The premises shall be further evaluated to determine availability of wastewater service by the City, in its sole discretion, if:
  - Wastewater main depth is in excess of 12 feet;
  - Wastewater main size is greater than 12 inches;
  - A storm drain, other utility, road embankment, concrete barrier or other obstruction impedes the installation; or
  - There are other special situations not provided for in these Utilities Service Rules

## Section 2 Types of Wastewater Service

Any owner, tenant or occupant of a lot or parcel of land upon which a building exists for residential, commercial or industrial use, shall be required to make a direct connection of such building to the wastewater system, provided wastewater service is available as defined in Section 1.1 above. Where wastewater service is available, it will be presumed that the required connection has been made and the owner, tenant or occupant will be billed for wastewater service. In the event the City has knowledge that any such building is not connected to the wastewater system, the City reserves the right, in accordance with the Westminster Municipal Code, and in addition to any other right or remedy it may have, to (a) refuse water service to such owner, tenant or occupant until such building is connected to the wastewater system or (b) discontinue water service to such owner, tenant or occupant failing to connect such building to the wastewater system within the time specified in the notice from the City of the requirement to connect, but in no event later than one hundred eighty days (180) days from the receipt of such notice from the City.

Control manholes or structures, when required for a property carrying industrial wastes, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City Manager or manager designee. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. Refer to Westminster Municipal Code, Section 8-10 for additional requirements.

Wastewater service is categorized into the following uses:

### 1. Residential Use

A formal request for either original or additional service must be made to the City Manager or manager designee by the customer or user and be duly approved by the City Manager or manager designee before connection to the wastewater system is made. The receipt by the City Manager or manager designee of a prospective customer's request for service shall not obligate the City to render the service. If the service requested would cause the City to exceed its capacity to collect, transport or treat the customer's wastewater, or such service cannot be supplied in accordance with the City's Utilities Service Rules and Municipal Code, and any rules of procedure established to implement these Utilities Service Rules, the customer shall not be charged the connection charge and there shall be no liability on the part of the City to the requestor for the refusal of such service.

### 2. Commercial and Industrial Use

A formal request for either original or additional service must be made to the City and be duly approved before connection is made. The request shall be in the prescribed form according to the Pretreatment Program, and is incorporated in its entirety into the Utilities Service Rules by reference. The receipt by the City of a prospective customer's request for service shall not obligate the City to render the service. If the service requested would cause the City to exceed its capacity to collect, transport or treat the customer's wastewater, or such service cannot be supplied in accordance with the City's Utilities Service Rules and Municipal Code, any rules of procedure established to implement these Utilities Service Rules, and general practice, the customer's request for services will be denied by the City and, in such event, the customer shall not be charged the connection charge and there shall be no liability of the City to the requestor for refusal of such service. All food service facilities whose requests are accepted by the City shall comply with the provisions of the FOGG Program which is described in Section 3 of this chapter.

### 3. Intergovernmental Agreements

At the City's sole discretion, the City may receive, treat and dispose of the wastewater of municipalities and unincorporated areas in the metropolitan area of service. Any person owning or controlling premises located beyond the current wastewater system service area desiring to install a plumbing system for the purpose of discharging domestic wastewater and/or industrial waste into the wastewater system of the City must comply with all applicable federal, state and local laws, ordinances, regulations and the City's Utilities Service Rules and Municipal Code and any rules of procedure established to implement these Utilities Service Rules. The City may enter into an agreement with said municipalities and unincorporated areas at the City's sole discretion. There shall be no liability on the part of the City to the requestor for refusal of such service.

### 4. Private Wastewater Systems

The City currently does not receive, treat or dispose of the wastewater of private wastewater systems within or outside of the current wastewater system area of service. Any person owning or controlling premises either within or outside of the current wastewater system area of service desiring to install a plumbing system for the purpose of discharging domestic wastewater, commercial and/or industrial waste into the wastewater system of the must comply with all applicable federal, state and local laws, ordinances, regulations and the City's Utilities Service Rules and Municipal Code and any rules of procedure established to implement these Utilities Service Rules. The City may enter into an agreement with said owners at the City's sole discretion. There shall be no liability on the part of the City to the requestor for refusal of such service.

### 5. Modification of Connections

The disconnection or relocation of a sewer tap is subject to the following requirements:

- i. Any person disconnecting or relocating a sewer tap must obtain written permission of the director of public works prior to commencing said disconnection or relocation; and
- ii. Disconnection of an existing sewer tap and/or installation of a relocated tap shall meet all requirements of Section 8-8-3 and Section 8-8-5, W.M.C., and shall be completed by the owner at the owner's expense; and
- iii. Existing sewer taps may be disconnected and relocated to serve a use or building elsewhere on the same property or moved to serve a use or building on a different property, only if both the property served by the existing tap and the property to which the tap is being moved are under the same ownership; and
- iv. When a sewer tap is relocated and applied to the same use with the same pattern, amount of water use, and water tap size, a utility permit shall be required for the connection.

Refer to Westminster Municipal Code, Section 8-8-14 for additional requirements.

### 6. Prohibited Connections

A connection which discharges any substance or solution which is not intended to be transported via the wastewater system is prohibited. Refer to Westminster Municipal Code 8-8-4 for prohibited substances and solutions. Additional prohibitions are contained in the Pretreatment Program (separate document) and FOGG Program (See Section 3, Specialty

Wastewater Service). Connections or persons who discharge prohibited substances into the City's wastewater system or cause to be discharged any prohibited substance or solution shall stop such discharge or bring the discharge into compliance with all applicable federal, state and local laws, the City's standards and specifications, these Utilities Service Rules and Municipal Code. Refer to Chapter 5, Section 7 for enforcement actions which may include fines and/or water service interruptions.

### Section 3 Specialty Wastewater Service

#### 1. Fats, Oil, Grease and Grit Program

Fats, Oil, Grease and Grit (FOGG) is one of the primary causes of stoppages, backups, and overflows in a wastewater collection system. FOGG buildup in the sewers also causes restrictions and blockage problems.

The City's goal is to prevent grease from entering into the sanitary sewer collection system. This goal is achieved through the FOGG Retention Device Program and routine sanitary sewer collection system maintenance.

The City's FOGG Program consists of two important components:

##### i. Commercial FOGG Generating Business

As part of the FOGG Program, FGBs are required to capture and dispose of the grease and grit generated by their operation. The City requires FGBs to install approved, adequately sized, properly installed and maintained FOGG control equipment. Through this effort, the goal of improved sewer service through proper grease control can be achieved.

##### ii. Residential or Public Awareness Program

Residential customers in a sanitary sewer overflow area are identified through a Geographical Information System (GIS) query and receive information about the City's FOGG Program. The program is designed to raise awareness about disposing of grease in a way that is good for household plumbing, The City's wastewater system, and our environment. The FOGG Program recommends scraping cooled grease into a metal can for disposal in the trash.

The commercial FGB component of the City's FOGG Program is the focus of this document, including the proper sizing, installation, and maintenance of FOGG retention devices. The administrative and inspection requirements are established as well.

##### iii. General Criteria

- a FOGG Generating Business (FGB) Employee Training. FGBs shall train their employees on proper grease disposal practices and the requirements of this program.
- b Installation Requirements for New or Remodeled FGBs. All proposed or newly remodeled FGBs inside the City's wastewater service area are required to install or upgrade to approved, adequately sized, properly installed and maintained FOGG retention device in accordance with this document. Remodeling of an FGB may include, but is not limited to, the addition of new plumbing fixtures or kitchen equipment. See Section 3.3.3 of this chapter for installation requirements.

- c Inspections and Compliance for Existing FGBs. All existing FGBs inside the City's wastewater service area shall conduct their operations in such a manner that grease is captured on the User's premises and then properly disposed of. This is ensured through routine inspections by City staff.

City staff inspects each FGB on a monthly basis to ensure each facility is complying with the FOGG Retention Program requirements.

In addition, through preventive maintenance records or emergency calls related to grease, the City identifies and targets "grease problem areas" in the wastewater collection system. FGBs located upstream of these problem areas and that discharge their wastewater into the "problem" lines are identified as potential contributors to the grease build-up. Each FGB in the vicinity of the problem area is inspected. The facilities' maintenance records, grease control practices, and the adequacy of their FOGG retention device is assessed. Maintenance records are reviewed and posting of "No Grease" signs are required at each fixture that drains to the grease control equipment.

It is prohibited for facilities to have FOGG retention device that malfunctions due to structural failure. For example, a collapsed or deteriorated baffle wall, leaks, improperly located or missing tees, and other deficiencies will prevent the FOGG retention device from working properly. These deficiencies must be addressed through repair of existing equipment or installation of a larger device. The FOGG Retention Device Certification aspect of the program requires FGBs to have their equipment inspected every other year to verify that all components of the interceptor or trap is installed and the device is working properly.

Following the inspection, the City provides the FGB with a copy of the inspection report and other program materials if necessary. The inspections typically result in one of the following actions:

- i) Facilities equipped with adequately-sized and properly maintained FOGG retention device who are in compliance with the FOGG Program by implementing grease control practices are provided a copy of the inspection form indicating compliance upon request.
- ii) Facilities may be required to develop and submit to the City a proposed plan designed to achieve compliance through improved housekeeping and/or increased maintenance and pumping on the existing grease control equipment.
- iii) Facilities that are not successful in achieving compliance with the FOGG Program and other applicable rules and regulations of the City through improved housekeeping and increased maintenance and cleaning of the existing FOGG retention device will be required to install and maintain adequate FOGG retention device to bring the facility into compliance. The City recognizes that it may not be possible for the facility to immediately come into compliance with the requirements and in such cases, if appropriate, the City, at its sole discretion, may be willing to work with the customer to arrive at an acceptable compliance schedule for the customer.

- iv) FGBs that fail to comply with the required maintenance schedule for a grease trap “HGI” will be required to install a grease interceptor “GGI” to prevent continued discharge of grease to the City’s sanitary sewer collection system.
- iv. Risk Rating and Enforcement. Risk assessment ratings (Low, Medium, High, or Unacceptable) will be assigned to FGBs after each inspection based on compliance with FOGG program guidelines, adequacy of the FOGG control equipment, or other factors as necessary. The standard FOGG Retention Program certification fee is a minimum of \$100 unless otherwise stated. Rating assessments will be reviewed annually for changes in compliance, and any changes will be reflected in the next certification renewal fee. This fee shall be waived as long as the FOGG retention device does not reach a high risk rating.

The following items will affect the risk:

- Not address issue after certified letter. Unacceptable
- An Overflow. Unacceptable
- Multiple failures in less than a year. High
- Receiving a second notice. High
- Not repairing device. High
- One failure past year. Medium

The City evaluates compliance with the FOGG Program during site inspections. Failure to comply with program requirements increases the risk of producing grease related sanitary sewer overflows (SSOs) in the City’s collection system, which must be prevented. Enforcement action will be taken as necessary in accordance with the Enforcement Response Guide for the FOGG Program.

- a Upgrades or Changes to Existing FGBs. Any changes or upgrades to an existing FGB (including the addition of new plumbing fixtures or kitchen equipment) which, directly or indirectly, affects grease discharge to the sanitary sewer collection system must be reported to the City to determine if the existing FOGG retention device is adequate.
- b Prohibited Discharges to FOGG retention device. Black water shall not be discharged to the FOGG retention device. Additives or chemicals designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease are prohibited – see Section V.D. of this appendix for more information. Yellow grease is prohibited from being discharged to a grease trap and should not be discharged to a grease interceptor.
- c Floor Drains. Only floor drains which discharge or have the potential to discharge FOGG shall be connected to a FOGG retention device.
- d Garbage Grinders and Dishwashers. Solid food waste products should be disposed of through normal solid waste/garbage disposal procedures. The use of garbage grinders, which discharge to the sanitary sewer, is discouraged within the City’s wastewater service area. However, in the event that the device is used in a commercial or industrial facility, it must have a large particle trap and be connected to the FOGG retention device. The use of a garbage grinder decreases the

operational capacity of the FOGG retention device and will require an increased pumping frequency to ensure continuous and effective operation. Garbage grinders are prohibited from being connected to a HGI FOGG retention device.

Commercial dishwashers must be connected to a grease interceptor and are prohibited from being connected to a HGI FOGG retention device. Dishwashers discharge hot water and soap, which can melt grease stored in grease control equipment. Melted grease may then pass through the FOGG retention device into the customer's private service lateral and ultimately to sanitary sewer collection system, where the grease can harden and causes buildup and overflows.

v. Installation Requirements For FOGG Retention Device

The appropriate type of FOGG retention device for all other FGBs will be determined by the mechanical engineer for the facility based on FGB type, plumbing fixtures in accordance with Exhibit B. HGI FOGG retention device may not be used at FGBs without prior written approval. The City shall review and approve the requested variance for HGI FOGG retention devices that are not shown in Figure 3.3.A.

FOGG retention device shall be installed and connected so that it is easily accessible for inspection, cleaning, and removal of the intercepted FOGG at any time and be located in an area that is a minimum of 5 feet distance from any air intake. A FOGG retention device may not be installed inside any part of a building unless approved by the City.

Location of FOGG retention device shall meet the approval of the City. The best location for a FOGG retention device is in an area outside of an outside wall, but upstream from the black water drain line(s) and easily assessable for inspection and maintenance.

a Criteria For FOGG Retention Device

- i) Construction of a FOGG retention device. FOGG retention device(s) shall be constructed of sound durable materials, not subject to excessive corrosion or decay and in accordance with the City's standards described in this document and shall have a minimum of two compartments with fittings designed for FOGG retention. Other FOGG removal devices or technologies shall be subject to the written approval of the City. Such approval shall be based on demonstrated removal efficiencies of the proposed technology. The City's standard drawing for a FOGG retention device is in Exhibit 3.3.B.
- ii) Access. Access to FOGG retention device(s) shall be available at all times to allow for their maintenance and inspection. Access to FOGG retention device(s) shall be provided by at least two manholes terminating at finish grade with a cast iron frame and cover. One manhole shall be located above the inlet tee and the other manhole shall be located above the outlet tee.
- iii) Load-Bearing Capacity. In areas where additional weight loads may exist (example: vehicular traffic in parking or driving areas), the FOGG retention device and manhole lids shall be designed to have adequate load-bearing capacity.

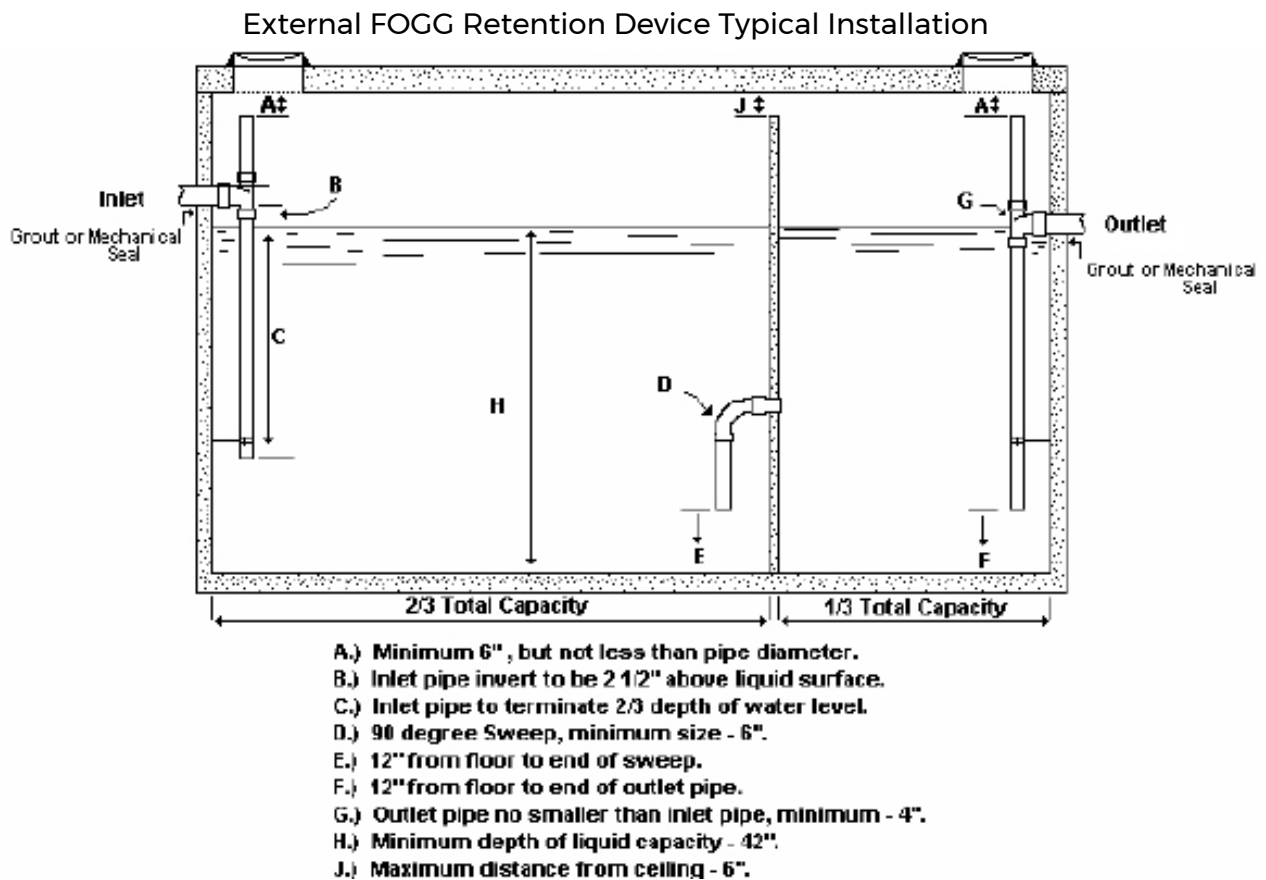
FIGURE 3.3.A

Pre-approved Internal FOGG Retention Devices

<p>Shampoo Bowls in Hair Salons</p>	<p>Striem Prospector Basket Series Striem Prospector Screen Series</p>
<p>Pet Grooming, Veterinarian, Kennels (These devices will require submittal of sizing data and written confirmation that the correct size unit will be installed)</p>	<p>Striem Prospector Basket Series  Striem Prospector Screen Series</p>
<p>Residential Grade Washing Machines used in commercial buildings (To be installed in line with the discharge hose of <b>each</b> washing machine)</p>	<ul style="list-style-type: none"> <li>· Filtrol 160 Lint Trap used in a commercial building</li> </ul>
<p>Commercial Grade Washing Machines (These devices will require submittal of sizing data and written confirmation that the correct size unit will be installed)</p>	<ul style="list-style-type: none"> <li>· Zurn Z-1185 Lint Interceptor (sized for the number of Washing Machines to be plumbed to it)</li> <li>· Jay R Smith 8910 Lint Interceptor (sized for the number of Washing Machines )</li> </ul> <p>Striem Prospector Basket Series Striem Prospector Screen Series</p>
<p>Sinks in art rooms or studios with Ceramics/kilns (Clay trap), Sinks in Dental labs (Plaster Molds), Doctors Plaster Casting Area, etc. (Applicant to provide data to verify correct size will be installed)</p>	<ul style="list-style-type: none"> <li>· Zurn Z-1180 Z-1181 Solids Interceptor (sized by the number and size of the sinks being served)</li> </ul> <p>Striem Settler Catch Basin Series</p>
<p>Drains from mud rooms, wash-down areas, etc. in commercial facilities. (These devices will still require submittal of sizing data and written confirmation that the correct size unit will be installed.)</p>	<ul style="list-style-type: none"> <li>· Zurn Z-1187 Sand and Sediment Interceptor. Per the manufacture “The sizing of this interceptor is generally based upon the expected amounts of solids and waste to be retained.”</li> <li>· Zurn Z-1187-SI Sand Interceptor. Per the Manufacture “The sizing of this interceptor is generally based upon the expected amounts of solids and waste to be retained.”</li> <li>· Jay R Smith 8811 Sand Interceptor.</li> <li>· Jay R Smith 8817 Sand and Sediment Interceptor.</li> </ul>

- iv) Inlet and Outlet Piping. Wastewater discharging to a FOGG retention device shall enter only through the inlet tee of the FOGG retention device. Each FOGG retention device shall have only one inlet and one outlet tee. Tees must be constructed of non-collapsible material. Refer to Exhibit 3.3.B for tee installation specifications.
- b FOGG retention device sizing. The required size of a FOGG retention device is determined by using the FOGG retention device sizing formula shown below in Exhibit 3.3.C. FOGG retention device will have a capacity of not less than 750 gallons nor exceed a capacity of 3,000 gallons. If the calculated capacity using the FOGG retention device sizing formula exceeds 3,000 gallons, multiple units in series or additional equipment may be necessary.

FIGURE 3.3.B



- c FOGG retention device designs represent minimum standards for normal usage for grease control. Installations with heavier usage require more stringent measures for which the user is responsible and the user shall pay the costs to provide additional measures if required by the City. The City reserves the right to evaluate device sizing on an individual basis for FGBs with special conditions, such as highly variable flows, high levels of grease discharge, or other unusual situations that are not adequately addressed by the formula.

FIGURE 3.3.C

FOGG Retention Device  
Sizing Formula per City Standards

Retention device based on the City's size requirement.

TYPE OF FIXTURE	TRAP & TRAP ARM SIZE			RATE OF FLOW IN G.P.M.	
	Size	Quantity		G.P.M per device	Total G.P.M.
Floor Drains:					
discharging into interceptors for grease, oil, solids, etc.	2"		X	15	
	3"		X	20	
discharging into non-vehicle	2"		X	20	
wash sand & oil interceptors	3" or 4"		X	45	
discharging into vehicle wash sand & oil interceptors	3" or 4"		X	60	
Sinks:					
commercial bar sinks	1-1/2"		X	15	
restaurant kitchen sinks (single compartment)	1-1/2"		X	20	
restaurant kitchen sinks (three compartment)	1-1/2"		X	40	
restaurant hand sinks	1-1/2"			15	
service sinks (mop sinks)	2"			20	
Dishwashers:					
up to 50 gal. capacity				20	
over 50 gal. capacity				40	
Garbage Disposals:					
-				35	
				Total G.P.M	
Sizing					
Interceptor Sizing			Interceptor		8xG.P.M
Full Services Restaurant Sizing	Meals Period (1,2 or 3)		Seats #		Size of interceptor in gallons
		2.5		0.9	2.2

Note: If larger than 1500 gallons, may use two or more tanks in series.

vi. New Fogg Retention Device Technologies

All grease removal devices or technologies different from the City's current specifications included in this document shall be subject to review and approval by the City prior to use. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

vii. HGI FOGG Retention Device Maintenance

Where pretreatment or flow-equalization facilities are provided or required for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. In the maintaining of these facilities, owners shall be responsible for the proper removal and disposal, by appropriate means, of the captivated material and shall maintain records of the dates and means of disposal for a minimum of three years. Such records shall be kept on the premises and shall be made available to the City Manager or manager designee for review upon requests. Any removal and hauling of the collected materials not performed by the owner must be performed by currently State licensed waste disposal firms. Colorado State law prohibits owners from cleaning their own retention device if the device is more than 55 gallons

- a Inspections. Periodic maintenance inspections shall be performed by the Utilities Department to ensure compliance with the above regulations. These inspections will be made approximately every 30 days, or more frequently if necessary, and a copy of the results of these inspections shall be kept at the utilities department and available upon request. The inspector may ask for pumping log provided by pumper or cleaning logs maintained by owner.
- b Cleaning/Pumping. The user, at the user's expense, shall maintain all FOGG retention device. Maintenance of HGI FOGG retention device includes the removal of all fats, oil, grease and grit from the detention compartment of the trap. Removal is usually accomplished by hand-dipping or scooping the collected grease, solids, and wastewater from the trap. Maintenance may also be performed by a waste hauler certified by the State of Colorado. <https://www.colorado.gov/pacific/cdphe/wastegrease>

Maintenance of GGI FOGG retention device must be performed by a waste hauler certified by the State of Colorado and includes the complete removal of all contents, including floating materials, wastewater, bottom sludge and solids, as well as grease that has accumulated on the side walls. Dewatering or discharging removed waste back into the FOGG retention device from which the waste was removed or into any other FOGG retention device, for the purpose of reducing the volume to be disposed of, is strictly prohibited. Violations of this requirement shall be subject to fines and/or discontinuation of water service until the FOGG retention device is brought back into compliance. Refer to Chapter 5, Section 7 for enforcement actions.

- c Cleaning/Pumping Frequency. FOGG retention device s must be cleaned no less than quarterly or as often as necessary to prevent FOGG from entering the sanitary sewer collection system. Failure to perform cleaning and maintenance of a FOGG retention device as required may result in a mandatory contract with a waste

hauler to perform the cleaning per the required schedule or result in a requirement for the FGB to install a larger capacity grease control device that could include an external FOGG retention device.

GGI FOGG retention device must be pumped out completely a minimum of once every three months, or more frequently as needed to prevent FOGG from entering the sanitary sewer collection system. Measurement of combined grease and solids greater than or equal to 25% shall be considered non-compliant with the FOGG Program. This compliance monitoring and evaluation may be conducted by a Dipstick Pro or electronic measuring device.

- d Disposal of FOGG Waste. Waste removed from FOGG retention device s must be disposed of with other solid waste or garbage in a sealed container to prevent leakage unless cleaned and disposed of by a waste hauler. All waste removed from FOGG retention device must be disposed of at a facility approved by the State of Colorado to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the sanitary sewer collection system.
- e Additives. Any additive(s) placed into the FOGG retention device, or building discharge line system on a constant, regular, or scheduled basis is prohibited. Such additives include, but are not be limited to, chemicals, drain cleaners, acids, caustics, enzymes, commercially available bacteria, emulsifiers, surfactants, or other product designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease. Written approval may be given by the City under specific circumstances; however, approved use may be discontinued at any time if grease is found downstream of the FGB. In addition, approved use will in no way be considered as a substitution to the required maintenance procedures and schedule.
- f Manifests. All pumpage from FOGG retention device must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The user should obtain a manifest from the waste hauler with signatures for their records.
- g Maintenance Log. A FOGG Retention Device Cleaning Record Maintenance Log and pumping manifest indicating each cleaning or pumping for the previous 24 months shall be maintained by each facility required to install FOGG retention device. This log shall include the date and time of the cleaning, and the company or person conducting the cleaning. For GGI FOGG retention device, the log should also include the volume pumped and disposal site. Maintenance logs shall be kept in a conspicuous location for inspection and be made immediately available to the City representative upon request.

- h FOGG Retention Device Certification Program. All FGBs with FOGG retention device must have their FOGG retention device structurally inspected every other year to verify that all components of the interceptors and traps are installed and working properly. Documentation of the equipment inspection shall be submitted to certify that there are no missing inlet or outlet tees, holes or cracks, deterioration of the equipment, overflowing grease at the outlet tee, or any other obvious problems with the interceptor or trap and there is access to all interceptor chambers. A detailed corrective action response is required from the FGB owner or authorized representative if deficiencies are discovered and the FOGG retention device fails the certification.

Corrective actions are reviewed by the City and an appropriate course of action will be agreed to between the City and the FGB. Failure to appropriately address the deficiencies noted in the failed certification will result in enforcement action as outlined in Chapter 5, Section 7 "Utilities Service Rule Enforcement". Immediate corrective action may be necessary if grease is found to be entering the sanitary sewer collection system.

#### viii. Administrative Requirements

- a Initial Data Acquisition - Upon inspection of each FGB, the City's FOGG Inspector shall complete an inspection sheet to facilitate the population of the FOGG Program FGB database. The database is updated with additional or modified information after each inspection.
- b Certification and Fees - All FGBs that discharge wastewater to the system must agree to comply with all aspects of this program and will be issued a FOGG Program certification. A service fee for facilities with grease discharges has been set by the City. The fee was established to allow cost recovery and includes, but is not limited to, the cost of field, administrative, engineering, and clerical expenses involved. The fees shall be not less than \$2.00 per month for each device, and include an additional charge for FGBs that pose a high or unacceptable risk to the system. The monthly service fee is applied to the customer's water bill.
- c Inspection and Entry - Authorized personnel of the City, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this program.
- d Alterations and Additions - When, in the judgement of the City Manager or manager designee, any addition or enlargement of an existing building or use, or any new use established or change of use conducted constitutes an increase in the demand imposed upon existing pretreatment facilities or creates a need for the installation of pretreatment facilities where none exists. The owner of such building or use, at his own expense, shall install suitable pretreatment facilities as required for new buildings or uses in accordance with the provisions contained herein.

- e Reviews - In the event it becomes necessary for the City to require an existing business establishment to install suitable pretreatment and/or flow equalization facilities, a written explanation, from the Utilities Department, for the requirement shall be furnished to the owner or authorized agent. Such a requirement may arise when investigation reveals the presence of unacceptable wastes in the sanitary sewer system emanating from any lot, land, building or premise.

## 2. Sewer Metering

As allowed by the Westminster Municipal Code, Section 8.8.5(D), commercial users may request a separate sewer meter to record actual sewer charges. This specialty wastewater service shall be reviewed on a case by case basis by the City.

## Section 4 Application for Wastewater Service

All connections to the City's wastewater mains are to be made in accordance with all applicable City standards and specifications. All costs and expenses incident to the installation, connection and inspection of the private service lateral shall be borne by the owner. If for any reason a connection cannot be made in accordance with the City standards and specifications, exceptions may be approved by the City, at its sole discretion.

A tap and service sewer must be installed for each premise, unit or structure served, except where two or more premises, units or structures are located on a single subdivided parcel of land under single or condominium ownership, in which case one tap and service sewer may be permitted. Water and sewer taps shall serve the same premises, units or structures.

The size, slope, alignment, materials and construction of all sanitary sewers, including service sewers, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code, adopted City standards and specifications, or other applicable rules and regulations of the City and metro district. All such connections shall be made gas tight and water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the City Manager or manager designee before installation.

All excavations for service sewer installation shall be adequately guarded with barricades and lights, so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

The Construction Inspectors for the City must inspect and approve the wastewater service connection and all private service laterals before any underground portion is covered and/or placed in service. The applicant for the service utility permit shall notify the City Manager or manager designee when the service sewer is ready for inspection and connection to the sanitary sewer. The connection and testing shall be made under the supervision of the City Manager or manager designee.

Whenever it comes to the City's attention that a private service lateral may contain defects and or improper connections that:

- Are potential sources to the wastewater system of extraneous ground or surface water infiltration and inflow ("I/I") that may cause or contribute to wet weather overflows in the wastewater system,

- Allow for the possible exfiltration of wastewater onto or below the surface of the ground that could then enter the City's municipal separate storm sewer system, or
- Allow roots/debris to enter the wastewater system through cracks, holes or poorly sealed joints thus restricting flow and leading to possible dry weather or wet weather overflows in the wastewater system reflecting that there has been a failure on the part of the property owner or user to maintain the private service lateral,

A written notice in accordance with the City's standards and specifications, the City's adopted Plumbing Code and in violation of these Utilities Service Rules, shall be given by the City to such owner or user, or his duly authorized agent, of such failure. The notice shall provide, to the extent such information is available:

1. details concerning lateral age, material, and construction standards,
2. photos of smoke in vicinity of the private service lateral,
3. mainline CCTV images of dyed water discharging from the private service lateral,
4. CCTV photos of the connection at the City's main of the private service lateral, and
5. written description of dye testing procedures used to identify cross connections or illicit discharges.

Such notice may be given either by personal service on the owner or user, or his duly authorized agent, or by certified letter addressed to the last known place of residence of such owner or user, or his duly authorized agent; and proof of the mailing of such letter shall satisfy that the notice requirement has been accomplished.

In the case of nonresident or unknown owners, service of the notice may be made by publication in a daily newspaper, published in the City or in a newspaper of general circulation within the service area, for a period of three (3) days. Upon completion of such publication, the notice requirement will be satisfied.

The notice in each case shall specify what is required of the owner or user with respect to the private service lateral, in order to bring same into compliance with the standards, specifications, the Code and these Utilities Service Rules. The notice shall advise the owner or user that a plumbing permit must be obtained and the repair work completed by no later than one hundred twenty (120) days of the date of service of the notice, or, the owner or user must initiate an appeal in accordance with the appeals process set forth in these Utilities Service Rules. If the owner or user fails to complete the work in the specified time or timely appeal such requirement, then the owner or user may be subject to a finding of violation by the City and be subject to enforcement in accordance with the provisions of these Utilities Service Rules and Municipal Code, which may include, at the City's sole discretion, termination by the City of water and/or wastewater services.

Private service laterals that have been previously used but have been abandoned may be used in connection with new buildings only when approved by the City. Abandoned private service laterals must be discontinued according to the standards and specifications of the City. Old service sewers may be used in connection with new units only when they are found, on examination and test by the City, to meet all requirements of this Code. The cost of the examinations and tests shall be borne solely by the applicant.

Each individual property owner shall be entirely responsible for the maintenance, including repair and rehabilitation, of the private service lateral in accordance with the City's standards and specifications, these Utilities Service Rules, the Municipal Code, and the most recently Plumbing Code, as modified and adopted by the City. However, the City may, in its sole discretion, as a courtesy to the property owner, elect to be responsible for the repair and rehabilitation of the portion of the private service lateral located in the public right-of-way (the portion of the private service lateral extending from the clean-out plug at or near the property line to the City's wastewater main).

In the case of subdivision, housing developments, or other areas where sanitary sewers and installations must be extended from the existing sanitary sewers to the area of use, the applicant must provide and install the necessary sanitary sewers, manholes, and appurtenances for the extension, in addition to complying with all of the provisions of this Chapter. All such extension installations shall be made under the inspection and supervision of the City Manager or manager designee. Upon completion and final approval by the City Manager or manager designee, all such sanitary sewers, manholes, and appurtenances incorporated in the extension shall become the property of the city. If parcels are redefined, any existing sewer services not used shall be removed and a new pipe section laid. Repair clamps are only allowed with approval of the Operator in Responsible Charge for the collections system.

#### Section 5 Conditions for Continued Wastewater Service

The City shall not be liable for any damage resulting from failure of any wastewater system component, or by discontinuing the operation of its wastewater collection, treatment and disposal facilities, for repair, extensions or connections, or from the accidental failure of the wastewater collection, treatment and disposal facilities from any cause whatsoever or the termination of water and wastewater services as the result of violations by a customer or user of any applicable federal, state and local laws and/or these Utilities Service Rules and any rules of procedure established to implement these Utilities Service Rules. In cases of emergency, the City shall have the right to restrict the use of its wastewater collection, treatment and disposal facilities in any reasonable manner for the protection of the City's wastewater system, customers and the environment.

#### Section 6 Termination of Wastewater Service

The City has the right to refuse service to a customer based on limited capacity of its wastewater system, outstanding debts owed by the customer to the City, a customer's credit rating as determined by an independent credit agency, dispute as to the ownership of the premises requested for service or the customer's disputed right to occupancy of the premises, a violation of these Utilities Service Rules and Municipal Code or any rules of procedure established to implement these Utilities Service Rules, nonpayment of a utility bill by the customer, or any other legitimate reason deemed in the City's best interests and the best interests of the wastewater system.

The City has the authority to discontinue water and/or wastewater service to a wastewater customer based on outstanding debts by the customer to the City, a customer's credit rating as determined by an independent credit agency, violation of these Utilities Service Rules and

Municipal Code or any rules of procedure established to implement these Utilities Service Rules, nonpayment of a utility bill by the customer, or any other legitimate reason deemed in the City's best interests and the best interests of the City's customers.

## Section 7 Wastewater System Extensions

The following is the City's policy and requirements for extension of the wastewater system.

### 1. General Extension Policy

The City may extend its wastewater service area. The investment that the City will make, if any, toward an extension of the wastewater system shall be equitably determined by the City on the basis of economic and/or technical feasibility. In making such determination, the City shall consider the total capital cost, the anticipated revenues, the estimated expenses associated with the extension, such other economic factors as the City may deem appropriate under the circumstances and the availability of adequate collection, transportation and treatment capacity in the wastewater system. Costs for extensions in excess of the investment of the City shall be paid by customers associated with such extensions and will constitute a contribution in aid of construction.

Persons desiring wastewater system extensions to and within new developments, including but not limited to land development projects and new subdivisions, shall be required to design and install all wastewater mains and related facilities to support the new development. In addition, such persons shall be required to pay a tap fee toward the cost of connecting the wastewater mains in the new development to the wastewater system.

The City may require the person to execute an extension agreement which requires and/or provides for assurances or other security or credit arrangements as may be required by the City in its sole discretion, with respect to the extension, including, but not limited to, refundable construction advances, minimum demand or bill requirements, and such other forms of security, assurance, and/or guaranty, as the City determines to be necessary or appropriate to protect the interest of the City and its customers. The City shall not be obligated to provide refunds unless specified in a contract. In no event shall a refund be in excess of the amount of the construction advance.

The City shall have the authority to extend its wastewater system in a manner different from that set forth in these Utilities Service Rules and charge a contribution in aid of construction when any such extension is determined to be in the best interest of the City, the economic interest of the community or to the benefit of the public health of the community.

The authority to make wastewater system extensions is discretionary even though all requirements have been met. Nothing contained herein shall be construed as requiring the City to extend wastewater service to any property. Wastewater system extensions shall not be denied on the basis of race, sex, religion, color, age or national origin.

### 2. Construction of Wastewater Mains and Facilities

All wastewater system facilities shall be constructed by the City personnel or by a licensed contractor acceptable to the City.

Notwithstanding anything contained herein to the contrary, where provision is made for wastewater system facilities to be constructed by the City at the expense of the customer or any person other than the City, the City may allow such construction work to be performed by a contractor acceptable to the City.

The size, type, and installation of wastewater system facilities shall comply with the City's standards and/or specifications and must be approved by the City.

Construction work shall at all times be subject to inspection by the Wastewater Field Operations crews or Utility Inspector to assure that the work conforms to the standards and specifications of the City.

No approval or inspection by the City hereunder shall relieve the customer, person or the contractor of any liability to the City or third parties for the work performed by the contractor.

Upon the completion of the wastewater system facilities and their inspection and approval by the City, as determined by the City in its sole discretion, such facilities shall become the property of the City and thereafter become a part of the City's wastewater system. The persons paying the cost of constructing such facilities shall execute any written instrument requested by the City to provide evidence of the City's title to such facilities. In consideration of such facilities being transferred, the City shall incorporate such facilities as an integral part of the wastewater system in accordance with these Utilities Service Rules. At this point, the facilities shall go into a warranty period whereby the City owns the facilities and the persons paying the cost of the construction shall repair the facilities for a minimum of two years (or as stipulated in the construction documents) after the City takes over the ownership.

The City may, at the request of a customer or person, relocate or change existing wastewater system facilities. The customer or person may be required to reimburse the City for project costs including but not limited to appropriate overheads and associated costs of easement acquisitions. When a public right-of-way is changed for the benefit of private interests and the City's wastewater system facilities must be adjusted to accommodate said change, the cost of such adjustments shall be paid on a cash, non-refundable basis by the requesting parties.

### 3. Construction and Responsibility for Private Wastewater Systems

The City reserves the authority to allow and/or deny private wastewater systems within the City's wastewater system service area. Any such facilities must be acceptable to and shall be approved by the City and any other governing entities, including but not limited to the applicable local or state regulatory authority. Construction work shall at all times be subject to inspection by the City. The owner of the development, such as the developer, the developer's legally authorized successor, a homeowner's association, etc. shall retain ownership of and be responsible for all operation and maintenance of the private wastewater system. If determined by the City that the private wastewater system violates any applicable federal, state or local laws, or regulations or these Utilities Service Rules and Municipal Code, then the City has the authority to require the owner of the development and/or customer to rectify the violation at the owner of the development and/or customer's expense. The City has the authority and reserves the right to enter on the property and to rectify the violation and seek reimbursement from the owner of the development and/or customer for fees, violations, and costs borne by the City to rectify the violation.

#### Section 8 Protection of Wastewater System

The City has the authority to prevent the introduction of pollutants into its wastewater system that will interfere with the operation of the wastewater system, treatment plants, contaminate sewage sludge, cause a violation of any federal or state permit (i.e. NPDES Permit), order or consent decree, or cause deterioration in the City's wastewater collection system, force mains, pumping stations, and all other structures appurtenant to the City's wastewater system. The City shall adopt Utilities Service Rules for the prevention of pollutants into the wastewater system, including but not limited to provisions addressing compliance with federal and state law, final orders and consent decrees, permitting requirements for the City's wastewater system, treatment plants, inspections and permitting of hauled waste providers, etc.

## **Chapter 4 Reclaimed Water**

THIS CHAPTER WILL BE PROVIDED AT A FUTURE DATE.

## Chapter 5 Acceptance/Charges/Enforcement

### Section 1 Construction Coordination with Utilities

During construction projects, Utility Operations staff is available to assist with construction activities that are connected or will be connected to the City's water, wastewater and reclaimed infrastructure. The following conditions are minimum expected requirements to be included in all design projects that involved utility work.

1. Contractors Special Conditions.
  - i. Contractor is responsible to stage and schedule their work such that City Utility staff are not required on Fridays. The contractor's bid and schedule must account for this constraint.
  - ii. Included as part of these specifications is one (1) Friday per month of City Utility staff assistance for special circumstances. Any Friday work requiring City Utility Staff in excess of this frequency shall be billed to the Contractor at a rate of \$500 per event. The City reserves the right to reject any and all special circumstance requests and is the sole decision-maker as to what constitutes special circumstances. Weather will not be a justification for special circumstances.
  - iii. All Friday work requires prior written approval from the City at least 48 hours in advance of the work requested.
  - iv. All requests for Friday work must utilize the communication path set in place for the project via the City Project Manager or their designee.
  - v. Examples of work that require City Utility Staff
    - a Only Utility Operations Staff are to isolate and release pressure off main/load lines and/or flush and remove any turbid water or air. (Contractors are not to operate city owned valves, water hydrants for flushing of clear waters or valves connected to the city water supply)
    - b Shut downs and loading of lines
    - c Flushing for removal of chlorine
    - d All bacteria sampling
    - e Utilities Operations Staff must be present when setting up new bypass pumping operations. Contractors are required to provide 24-hour observation during bypass pumping operations and two staff if the line of sight is such that the entire length of the system is not visible from every point along the piping.
  - vi. Contractor shall provide and setup all necessary equipment to allow for accurate, representative clear water test sampling. Clearwater sampling will be performed by Utility Operations staff who will coordinate with the City of Westminster Water Quality Laboratory. Bacteriological testing may only be conducted by City of Westminster Water Quality Laboratory.
    - a Samples for bacteria testing will only be accepted Monday through Wednesday between 7AM and 3PM. Contractor is responsible to stage and schedule their work such that clear water sampling is completed within these working hours and shall bid their work accordingly.

- b The City may consider a request for variance from these normal working hours if it is in the best interest of the City to do so. These variance requests shall be made via email or in writing at least three (3) working days prior to the requested sampling time and shall be made through the communication path set in place for the project (i.e. either the Resident Project Representative or the City's Project Manager). Samples received on days other than Monday through Wednesday and that have written variance approval shall be charged a fee of \$700 for the first sample in a day and \$200 for each additional sample received in that same day. Except for emergency conditions, no samples will be processed after 3PM.
  - c In the event bacteriological testing fails, but does not appear to be E.coli-positive, the contractor must take corrective measures followed by requesting repeat clearwater sampling.
  - d In the event bacteriological testing fails with an apparent presence of E. coli, the contractor must take corrective measures followed by requesting repeat clearwater samples. In this case, samples must be taken until two consecutive samples, spaced at least 18 hours apart, pass bacteriological testing.
  - e The Westminster Water Quality Laboratory may, at its sole discretion, enforce more stringent requirements when warranted by specific situations.
- vii. Contractor is responsible to continuously monitor devices and dechlorinating during all flushing procedures.
  - viii. Contractor shall not terminate flow to any device once Utility Operations has started the flushing process.
  - ix. Utility operations must be notified of any flushing being performed. Flushing equipment must be inspected and approved by utility staff before use.
  - x. Contractor is responsible to maintain their land disturbance permit or proper stormwater best management practices during all construction and particularly during flushing operations.

## Section 2 Utilities Final Acceptance

New water and wastewater infrastructure shall be turned over to the Utilities Division of the City for operations and maintenance once final acceptance of those facilities are completed and the ORC of each system has provided their written utilities final acceptance of the facilities. This shall also include any replacement or rehabilitation of existing water and wastewater infrastructure. This written acceptance must be included as part of the contract close-out but prior to final payment of the contractor. For CIP projects, the Utilities Final Acceptance Letter shall be provided. For development projects, this written acceptance shall be in the form of the Release of Service letter and shall at a minimum include the following for each system.

1. Inspection by Utilities Field staff
2. GPS locations of all facilities
3. Successful operation of all valves, water hydrants, PRVs and other appurtenances
4. Facilities pass required tests such as pressure, leak test, bacteriological, etc.

5. Flushing and televising of sewer piping
6. Facilities pass required tests such as vacuum testing, pressure testing, hydrostatic testing, etc.

No water or wastewater services shall be provided prior to the Utilities Final Acceptance or Release of Service. At this point, the warranty period for the utilities shall commence.

### Section 3 Water and Wastewater Infrastructure Under Warranty

While infrastructure is under the warranty period, the City shall notify the contractor of emergency repairs or defects found throughout this period. In the event of a water main break, sanitary sewer main blockage, or other emergency that may occur during the warranty period, it may become necessary for the City to undertake immediate repairs to the facilities and/or make the area safe to residents, pedestrians, or motorists. The City will attempt to contact the Owner in the event of such emergency. If the Owner cannot be contacted within two (2) hours of the initial incident report, or a contractor repair crew cannot arrive onsite within six (6) hours, the City may proceed with such action as deemed necessary by the City Engineer and/or Utilities Operations Manager. The City shall invoice the contractor for the cost of the services completed including 15% for emergency or after hours response as stipulated in the City's Standards and Specifications, Chapter 12. The Owner shall be responsible for final restoration of the affected site and will work with the City on making such restoration efforts.

### Section 4 Authority to Levy Charges or Fees

Under the provisions of its charter and of the general laws of the State of Colorado, the City is authorized and empowered to fix, levy and collect fees, rents, tolls or other charges for the use of or in connection with the wastewater system. This authorization involves the establishment, levy and collection of a service charge, connection charge, improvement charge, extra strength surcharge, or other charges deemed necessary from the users of the wastewater system. The City Manager or manager designee may establish policies addressing the establishment of charges and fees associated with wastewater service.

### Section 5 Rates for Water and Wastewater Service

Charges for water and wastewater service shall be set forth in the Westminster Municipal Code as adopted by City Council.

### Section 6 Metering, Charges, Fees and Deposits

1. Charges are based on the following types of water or reclaimed metering.
  - i. Single-Point Delivery

The rates included in the Rate Schedules of the Municipal Code are based upon the supply of service to the entire premises through a single delivery and metering point. If service is rendered to any customers or premises through more than one delivery point, the City reserves the right to meter and to bill each such delivery point as a separate service.

ii. Multiple Services through a Single Meter

In the event the City allows more than one customer or premise to be served through a single service line and meter, the amount of water used by all the customers and premises served through a single service line and meter shall be allocated to each separate customer or premise thus served in such a manner as determined by the City in its sole discretion. The wastewater charge for each such customer or premise thus served shall be computed just as if each such customer or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the City's applicable wastewater rates, including the provisions as to minimum bills. The separate charges for each customer or premise served through a single service line and meter shall then be added together and the sum thereof shall be billed to the customer in whose name the service is supplied.

iii. Secondary Meters

Any customer qualified to use a secondary meter for the purpose of measuring water not discharged to the City's wastewater system to effect a reduction in wastewater charges, must furnish and install said meter at the customer's expense. All expenses incident thereto, including testing, repair, maintenance, billing and reading, shall be borne by the property owner or occupant. Said meter must meet the requirements and standards of new meters then being installed by the City. A customer must receive approval from the City prior to the installation of a secondary meter.

iv. Alternate Water Supplies

Individuals with dwellings with wells or sources of water supply other than municipal water supplies that are available and/or subject to discharge to the wastewater system will be charged for wastewater services at the sole discretion of the City.

2. Connection charges and fees shall be in accordance with the approved rate schedule established by City Ordinance and in effect at the time of approval and are payable at the time of plan approval.
3. Deposits shall be in accordance with those established by City Ordinance and in effect at the time of the work performed and are payable before work shall proceed.
4. Any person violating any of these provisions shall be charged with a misdemeanor and upon conviction thereof, be punished by a fine of not to exceed one thousand dollars (\$1,000) and/or imprisonment in the City Detention Center for a period not to exceed six (6) months, or by both such fine and imprisonment. In addition to such fine and/or imprisonment, any person convicted of a misdemeanor violation shall pay court costs and in no case shall such costs be suspended.

### Section 7 Utilities Service Rule Enforcement

The intent of these Utilities Service Rules are to protect the public health and safety as well as assure compliance with all applicable federal, state, and local regulations. Should any action of a person whether they are a customer or not of the City cause, by direct or indirect action, to the wastewater system, the following enforcement actions shall be taken.

The Director of Public Works and Utilities or director designee is hereby authorized to enforce these Service Rules. The person billed for water service to a property, whether owner or occupant, shall be responsible for compliance within 30 days of the violation notice, unless otherwise specified by the Director of Public Works and Utilities or director designee, and shall be subject to the following actions and penalties:

- Upon a first violation, the person billed will be advised in writing of the violation and issued a warning for the violation. The warning shall be in effect for a period of one year from the date of issue.
- A second violation within a one-year period shall result in the person billed being advised in writing of the violation and a charge of \$50.00 will be added to the water bill for the property. Advisement shall include the procedure to schedule a hearing, if requested.
- A third or additional violation within a one-year period shall result in the person billed being advised in writing of the violation and a charge of \$100.00 will be added to the water bill for the property. Advisement shall include the procedure to schedule a hearing, if requested. In addition, the City Manager or manager designee, may order a suspension of service to the property until all outstanding fines are paid. Restoration of service shall occur as detailed in Section 8-7-9, W.M.C.
- Upon any notice(s) of violation of this Section, a copy of such notice shall also be mailed to the owner(s) of the real property served, if the owner's address differs from the subject property address.

If a hearing is requested, it shall be scheduled as soon as practical before the City Manager or manager designee.

1. Violation Deemed Public Nuisance. It shall constitute a public nuisance and shall be unlawful for any person to discharge into or otherwise use the City's water and/or wastewater systems in any manner in violation of these Utilities Service Rules or of any condition of the backflow, industrial discharge, or commercial discharge permits.
2. Notification to Customer of Violation. Whenever the City determines or has reasonable cause to believe that a violation of these Utilities Service Rules and Municipal Code has occurred, then the City shall notify the customer of such violation. Failure of the City to provide notice of a violation to a customer shall not in any way relieve the customer from any consequences of such a violation or the customer's responsibility to fully comply with the applicable requirements.
3. Conciliation Meeting. The City may, but shall not be required to, invite the customer and/or representatives of the customer to a conciliation meeting to discuss the violation and methods of correcting the cause of violation. Such additional meetings as the City and the customer deem advisable may be held to resolve the problem. If the customer and the City can agree to appropriate remedial and preventative measures, they shall commit such agreement to writing with provisions for a reasonable compliance schedule and the schedule shall be incorporated as a supplemental condition to the customer's permits, if applicable. The City may terminate the conciliation process and commence enforcement action at any time to assure customer's compliance.

4. Show Cause Hearing. The City may issue a show cause notice to the customer directing the customer to appear before the designated City official at a specified date and time to show cause why the customer should not be issued a civil penalty, have the customer's permits, if applicable, modified, suspended, or revoked, or have the customer's water and/or wastewater services terminated, for causing or suffering a violation of these Utilities Service Rules or other applicable laws or regulations. At least fourteen (14) days prior to the scheduled show cause hearing date, the City shall mail to the customer, via certified mail, return receipt requested, or shall personally deliver to the customer written notice of the nature of the violation, any proposed changes to the customer's permits, if applicable, and/or other control techniques necessary to rectify the violation.
5. Injunctive Relief. Upon a decision by the City Manager or manager designee, the City shall have the right to file in circuit or chancery court of City of Westminster, Colorado, or such other courts as may have jurisdiction, a suit seeking the issuance of an injunction, damages, and/or other appropriate relief to enforce the provisions of these Utilities Service Rules and/or any and all applicable federal, state, and local laws and regulation(s). Suit may be brought to recover any and all damages, fines, and expenses suffered by the City as a result of any action or inaction of any customer or other person who causes damage to occur to the City's water and/or wastewater systems or for any other expense, loss, or damage of any kind or nature suffered by the City, including but not limited to, any penalties or fines imposed on the City as the result of the violations of the customer, user, or person.
6. Assessment of Damages. When a violation of these Utilities Service Rules and/or any applicable federal, state or local law and regulation occurs and causes an obstruction, damage, or any other impairment of the water and/or wastewater systems, or any expense of whatever character or nature to the City, then the City may assess the expenses it incurred to remedy the violation, clear the obstruction, repair damage to its water and/or wastewater systems, and any other expense or damage incurred by the City. The City shall send a written claim to the customer or any other person causing said damages to occur seeking reimbursement for any and all expenses or damages suffered by the City. The City may take such measures as shall be appropriate to recover any damages or other expense suffered by the City, plus reasonable attorney's fees, if the claim is not paid by the customer or other person within 14 days or such other time as the City shall specify of the date such claim was served on the customer by personal service or by sending a registered letter to the customer or other person.
7. Petition for Federal or State Enforcement. In addition to other remedies for enforcement provided herein, the City may petition the State of Colorado or the United States Environmental Protection Agency, as appropriate, to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state law to insure compliance by customers of applicable cross contamination or pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the City's water and/or wastewater systems, or to prevent such violations of applicable federal, state and local laws or other water pollution as may be regulated by state or federal law.

8. Emergency Termination of Service. In the event of an actual or threatened cross contamination or discharge by any customer to the City's water and/or wastewater system which, in the sole opinion of the City, presents or may present an imminent and substantial endangerment to the health or welfare of any person or the environment, or cause interference with the water and/or wastewater system, then in addition to any other remedy the City has available to it, the City reserves the right to immediately terminate water and wastewater services to said customer causing the emergency and require assistance in abating the emergency until the emergency situation has been abated or corrected at the expense of the customer causing the emergency. Nothing herein is intended to limit the City's right to terminate water and wastewater services for any other reason provided for in these Utilities Service Rules, Municipal Code or federal or state laws.
9. Civil penalties and/or Termination of Services for Violations of these Utilities Service Rules
  - i. Any person who:
    - a Violates a cross connection standard;
    - b Violates an effluent standard or limitation;
    - c Violates the terms or conditions of annual requirements for a backflow assembly or a discharge permit
    - d Fails to complete a filing or reporting requirement
    - e Fails to perform or properly report any required monitoring
    - f Violates any provision of Regulation 11.39 of Colorado Revised Statute as may be amended, revised, or modified from time to time
    - g Violates any provision of 40 CFR Part 400 Subchapter N- Effluent Guidelines and Standards as may be amended, revised, or modified from time to time
    - h Violates any provision of the City's NPDES permits an agreement with Metro Wastewater Reclamation District
    - i Violates a final order or determination of the Appeals Board
    - j Fails to pay any established water and/or wastewater service charge, fine, penalty or industrial cost recovery charge; or
    - k Otherwise violates any applicable federal, state or local law or regulation, or any of the provisions of these Services Rules and Municipal Code may, at the City's sole discretion, and after receipt of a notice of violation, be subject to (a) a civil penalty of up to one thousand dollars (\$1,000.00) per violation per day, (b) termination of water and/or wastewater services, (c) the suspension, modification or revocation of permit, if applicable, or any condition thereof, or (d) any combination thereof.
  - ii. Each violation shall constitute a separate offense and each day of violation shall be deemed a separate and distinct violation.
  - iii. In assessing civil penalties the City may consider the following:
    - a Magnitude of the violation
    - b Duration of the violation
    - c Effect of the violation on the water and/or wastewater systems

- d Compliance history of the customer
- e Good faith efforts of the customer to correct the violation
- f Economic benefit derived by the person as the result of the violation

### Section 8 Appeals Board

The City shall have an appeals board consisting of the Utilities Service Rules Oversight Committee and others as may be appointed by the City Manager or manager designee from time to time (the "Appeals Board"). The Utilities Operations Manager shall serve as the chairman of the Appeals Board and shall appoint an acting chairman from the other members of the Oversight Committee in the event the Utilities Operations Manager is unable to attend a meeting of the Appeals Board. The Appeals Board shall have the authority to:

- Hear an appeal brought by a customer, a user of the City's water or wastewater system, or a person for any civil penalty imposed by the City's enforcement of these Utilities Service Rules, a backflow or discharge permit, or of any federal, state, or local law or regulation by the City against such customer or user;
- Grant exceptions pursuant to the cross contamination, pretreatment or treatment provisions of these Utilities Service Rules and to determine such issues of law and fact necessary to perform this duty;
- To hold hearings upon appeals from orders or actions of the City as may be provided under any provisions of these Utilities Service Rules or federal, state, and local laws and regulations;
- To issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the Appeals Board;
- To administer oaths to those persons giving testimony before the Appeals Board.

A customer who claims to be aggrieved in connection with a finding by the City of a violation of these Utilities Service Rules or of annual requirements for a backflow assembly or a wastewater discharge permit, if applicable, that results in the issuance of a civil penalty; and/or of the termination of water and wastewater services, (except no appeal may be made for the emergency termination of services in accordance with Section 7, paragraph 8 of these Utilities Service Rules or the Emergency Suspension of Services, Section 8, paragraph 10.v may file an appeal with the Appeals Board. The appeal must be submitted to the Appeals Board in writing within fourteen (14) days of receiving from the City a notice of a finding of violation by the customer of these Utilities Service Rules, or the violation of annual requirements for a backflow assembly or a wastewater discharge permit, if applicable, containing a civil penalty, and/or of the termination of water and wastewater services by the City as the result of such finding of violation,

Appeals Board hearing procedures.

1. The Appeals Board shall schedule a hearing to resolve disputed questions of fact and code or permit requirement whenever provided by a provision of this Section.

2. At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The Appeals Board shall make a record of such hearing, but the record need not be a verbatim record. Any party coming before the Appeals Board shall have the right to have said hearing recorded stenographically or electronically, but in such event the record need not be transcribed unless any party seeks judicial review of the order or action of the Appeals Board by common law writ of certiorari, and in such event the parties seeking such judicial review shall pay for the transcription and provide the Appeals Board with the original of the transcription so that it may be certified to the court.
3. The chairman of the Appeals Board, or his designee, may issue subpoenas requiring attendance and testimony of a witness or the production of evidence, or both. A request for the issuance of a subpoena shall be made by lodging with the Appeals Board at least ten (10) days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed, and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman of the Appeals Board, the same shall be delivered to the chief of police for service by any police officer of the City. If the witness does not reside in the City, the Appeals Board shall issue a written request that the witness attend the hearing.
4. Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with the Appeals Board or its designees to rule on such matters as would require a ruling by the court under said rules.
5. The party bringing the appeal bears the affirmative burden of proof and shall first call his witness, to be followed by the witness called by other parties, to be followed by any witness that the Appeals Board may desire to call. Rebuttal witnesses shall be called in the same order. The chairman of the Appeals Board, or his designee, shall rule on any evidentiary questions arising during such hearing, and shall make such other rulings as shall be necessary or advisable to facilitate an orderly hearing subject to the approval of the Appeals Board. The Appeals Board, the representatives of the City, and all parties shall have the right to examine any witness. The Appeals Board shall not be bound by or limited to rules of evidence applicable to legal proceedings.
6. Any customer aggrieved by any order or determination by the City pertaining to the customer's violation of these Utilities Service Rules, which includes the issuance of civil penalties may appeal said order or determination to the Appeals Board under the provisions of this section. A written notice of appeal shall be filed with the City Manager or manager designee and said notice shall set forth with particularity the action or inaction of the City complained of and the relief sought by the customer filing said appeal. A special meeting of the Appeals Board may be called by the chairman upon the filing of such appeal, and the Appeals Board may, in its discretion, suspend the operation of the order or determination of the City appealed from until such time as the Appeals Board has acted upon the appeal. Provided, however, that actions and determinations of the City under the provisions of Section 7, paragraph 8 "Emergency Termination of Service," and under provisions of Section 8, paragraph 10.v., "Emergency Suspension of Services," inclusive shall not be subject to review by the Appeals Board.
7. Any person aggrieved by any final order or determination of the Appeals Board hereunder shall have the right of judicial review in the appropriate state court by common law writ of certiorari.

8. Scope of Authority. The Appeals Board shall address administrative related matters exclusively; it shall not have the authority to establish, amend or revoke Utilities Service Rules or to make policy decisions.

Adequate Staffing. The City shall provide such staff services as may be required for the efficient and effective operation of the Appeals Board through its Utilities Operations Division.

9. Enforcement, Abatement And Appeals

In addition to the authorities established under these provisions, the City may take the following actions:

- i. Violations

- a Any person found to be violating any of the provisions contained herein shall be served by the City with written notice of violation. This notice shall contain the following information:

- i) The name of the person or company cited for the violation
- ii) The location of the violation
- iii) The nature and details of the violation
- iv) Corrective action to be taken by the person cited
- v) The time limit for the corrective action to be taken
- vi) Penalty for non-compliance
- vii) The offender shall permanently cease all violations.

- b Any person who shall continue any such violation shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined and/or imprisoned for each violation as specified in Section 1-8-1 of the Westminster Municipal Code. Each day in which any such violation shall continue shall be deemed a separate offense.

- c Any person violating any of the provisions contained herein shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation

- ii. Enforcement Responses for Violations of Rules. Any person who is in noncompliance and/or violates any provision of the City's Service Rules, Westminster Municipal Code, program requirements, or a compliance order shall be subject to an enforcement response, including but not limited to a civil penalty in an amount not to exceed one thousand (\$1,000) dollars per day per offense, and the possibility of water and/or wastewater service termination. Civil penalties or termination of water and/or wastewater service may be appealed in accordance with Chapter 5, Section 8 of the Rules and Regulations. The following situations are subject to an enforcement response by the City as outlined in the Enforcement Response Guide for the FOGG Program:

- a FGB operating without an appropriate permit
- b Failure to pay monthly service fees

- c Failure to install FOGG retention device or to meet the City's guidelines for grease control equipment design and installation
  - d Structural failure of grease control equipment
  - e Inadequate maintenance of grease control equipment
  - f Pumping records not maintained
  - g Failure to report upgrades/changes to existing facilities to the City
  - h Failure to report improper operation or failure of grease control equipment
  - i Denial of entry
  - j Inadequate FGB employee training and/or recordkeeping
  - k Failure to respond to the City's enforcement action
- iii. Emergency Suspension of Services. The City may suspend water or wastewater service when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which:
- a presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment;
  - b causes stoppages, sanitary sewer overflows, or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system;
  - c causes interference to the POTW; or
  - d causes the City to violate any condition of its NPDES permits, orders or consent decrees.