

**TOWN OF LYONS,  
COLORADO**

**ORDINANCE 1046**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING ARTICLE 4 OF  
CHAPTER 13 OF THE LYONS MUNICIPAL CODE FOR THE PURPOSE OF OTHER  
MISCELLANEOUS AMENDMENTS TO THE WASTEWATER UTILITY SERVICE CODE**

**WHEREAS**, pursuant to Article XXV of the Colorado Constitution, the Town of Lyons Board of Trustees ("Board") has the authority to establish and operate municipal utilities serving the Town of Lyons ("Town") and pass rates, rules, and regulations governing the operation of those municipal utilities; and

**WHEREAS**; pursuant to C.R.S. Section 13-15-103 the Town has the authority to make and publish ordinances; and

**WHEREAS**, pursuant to that power the Board previously enacted Article 4, Chapter 13, of the Lyons Municipal Code ("LMC") entitled "Wastewater Service" establishing a wastewater utility; and

**WHEREAS**, the Board referred the question of amending the waste water utility rules and regulations to the Utilities and Engineering Board ("UEB") pursuant to LMC Section 2-2-170; and

**WHEREAS**, the UEB has recommended that the Board adopt various clarifying, corrective, and explanatory amendments to Article 4, Chapter 13 of the LMC; and

**WHEREAS**, the Board wishes to adopt the recommendations of the UEB; and

**WHEREAS**, The Board has conducted a public hearing to consider evidence and testimony the proposed changes to Article 4, Chapter 13 of the LMC thus providing adequate opportunity for interested residents and customers to be heard.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:**

**Section 1.** The recitals set forth above are incorporated as if set fully forth herein.

**Section 2.** Article 4 of Chapter 13 is hereby amended from the previous Article 4 of Chapter 13 to add a new Section 13-4-20 as shown on **Exhibit A**, to read in full as follows:

Sec. 13-4-20. - Wastewater utility considered a Town-owned enterprise.

There is hereby established a wastewater utility of the Town. Such utility shall construct, maintain and operate the wastewater system of the Town. The utility shall be considered an "enterprise" as defined in Article X, Section 20 of the Colorado Constitution. All funds collected by the Town from the various sources authorized herein shall be properly

identified and transferred for deposit in the wastewater Utility Enterprise Fund to be used for the operation of the utility.

- (a) The enterprise shall be authorized to have and exercise the following powers in furtherance of its purposes:
  - (1) To hold meetings concurrently with regular and special meetings of the Board of Trustees;
  - (2) To have and use a seal;
  - (3) To issue its revenue bonds for wastewater purposes in the manner in which Town revenue bonds may be issued;
  - (4) To pledge any revenues of the Town's wastewater system to the payment of such revenue bonds and to pay such revenue bonds therefrom;
  - (5) To enter into contracts relating to the wastewater system in the manner in which Town contracts may be entered into;
  - (6) To make representations, warranties and covenants relating to the wastewater system on behalf of the Town;
  - (7) To exercise rights and privileges of the Town relating to the wastewater system; and
  - (8) To bind the Town to perform any obligation relating to the wastewater system other than any multiple-fiscal-year direct or indirect debt or other financial obligation of the Town without adequate present cash reserves pledged irrevocably and held for payments in all future years.
- (b) All revenues and expenditures of the Town or of the enterprise relating to the wastewater utility system shall be considered revenues and expenditures of the enterprise, shall be limited to the costs of operating and administering the wastewater system and utility, and shall not be used for general governmental purposes.

**Section 3.** Article 4 of Chapter 13 is hereby amended from the previous Article 4 of Chapter 13 to revise the previous Section 13-4-130 and to move it Section 13-4-110 as shown on **Exhibit A**, to read in full as follows:

**Sec. 13-4-110. - Service of property outside Town boundaries.**

- (a) General policy. It is the policy of the Town to provide wastewater services to properties outside of the Town only where the following conditions are met or satisfied:
  - (1) The property is served by metered Town water services; and
  - (2) The property is not annexable into Town; and
  - (3) The extension of services and the provision of services conforms to and

complies with all requirements applicable to wastewater services for property within the Town, except as otherwise provided by this Section.

- (b) Connection or tap charges for property outside of the Town. For property outside of the Town, there shall be assessed and charged for each connection to the Town wastewater system a connection fee (also commonly known as a "tap fee") in the following rates and amounts:

All connections other than multiple-dwelling units:	\$8,500.00
Connections for multiple-dwelling units:	
First unit	8,500.00
Each additional unit	6,375.00

- (c) No rate reduction for nonresident consumers. Rate reductions for qualified consumers provided by Article 5 of this Chapter shall not be available for consumers of services residing outside of the Town.

**Section 4.** Article 4 of Chapter 13 as amended is hereby amended from the previous Article 4 of Chapter 13 to renumber each of the sections as appropriate and as further shown on **Exhibit A**.

**Section 5.** **Code Revisions.** Because this Ordinance revises an entire Sections of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor substantive content is altered.

**Section 6.** **Severability.** Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 7.** **Repeal.** Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

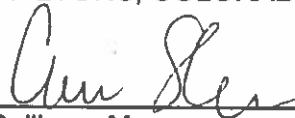
**Section 8.** **Codification of Amendments.** The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Sections 2, 3, and 4 of this Ordinance within the Lyons Municipal Code.

**Section 9. Effective Date.** This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

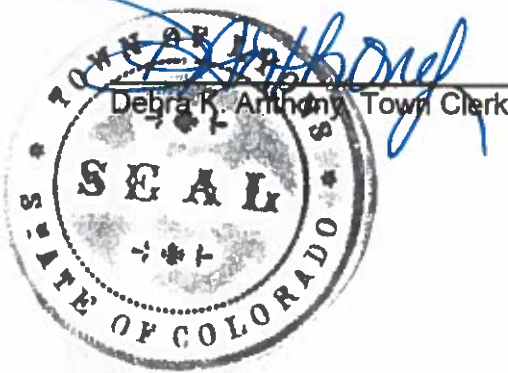
**INTRODUCED AND PASSED ON FIRST READING THIS 5TH DAY OF NOVEMBER 2018.**

**INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 19th DAY OF November 2018.**

TOWN OF LYONS, COLORADO

  
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Connie Sullivan, Mayor

ATTEST:



Attachments:

**Exhibit A – Redline Changes to Article 4 of Chapter 13 – Wastewater Services**

**Exhibit B: Clean Copy of Article 4 of Chapter 13 – Wastewater Services**

# EXHIBIT A

## ARTICLE 4 - Wastewater Services

### Sec. 13-4-10. - Wastewater Department created.

There is hereby created and established a Wastewater Department of the Town. The Wastewater Department shall have control of the operation and maintenance of the sanitary wastewater and sewer system and works for the collection and treatment of consumer-generated wastewater and effluent.

### Sec. 13-4-20. - Wastewater utility considered a Town-owned enterprise.

There is hereby established a wastewater utility of the Town. Such utility shall construct, maintain and operate the wastewater system of the Town. The utility shall be considered an "enterprise" as defined in Article X, Section 20 of the Colorado Constitution. All funds collected by the Town from the various sources authorized herein shall be properly identified and transferred for deposit in the wastewater Utility Enterprise Fund to be used for the operation of the utility.

- (a) The enterprise shall be authorized to have and exercise the following powers in furtherance of its purposes:
  - (1) To hold meetings concurrently with regular and special meetings of the Board of Trustees;
  - (2) To have and use a seal;
  - (3) To issue its revenue bonds for wastewater purposes in the manner in which Town revenue bonds may be issued;
  - (4) To pledge any revenues of the Town's wastewater system to the payment of such revenue bonds and to pay such revenue bonds therefrom;
  - (5) To enter into contracts relating to the wastewater system in the manner in which Town contracts may be entered into;
  - (6) To make representations, warranties and covenants relating to the wastewater system on behalf of the Town;
  - (7) To exercise rights and privileges of the Town relating to the wastewater system; and
  - (8) To bind the Town to perform any obligation relating to the wastewater system other than any multiple-fiscal-year direct or indirect debt or other financial obligation of the Town without adequate present cash reserves pledged irrevocably and held for payments in all future years.
- (b) All revenues and expenditures of the Town or of the enterprise relating to the wastewater utility system shall be considered revenues and expenditures of the enterprise, shall be limited to the costs of operating and administering the wastewater system and utility, and shall not be used for general governmental purposes.

Sec. 13-4-230. - Definitions.

For purposes of this Article, the following terms and phrases shall have the meaning indicated, unless otherwise provided:

*BOD* means biochemical oxygen demand.

*Consumer* means any public or private user of any public utility system responsible for payment for services provided to real property. A *consumer* is customarily or typically the owner of the premises or property receiving services from the Town Utility System and the party ultimately responsible for payment of all fees, rates and charges for such services imposed pursuant to this Chapter.

*Department* means either the Electric, Water or Sewer Department as the context indicates.

*Establishment*, in the singular or plural, refers both to food service facilities and transportation service establishments, unless a modifying word indicates that a different meaning is intended.

*FOG* means fats, oil and grease, a term which generally refers to animal and vegetable glycerides discharged from food processing and serving industries. These substances are detectable and can be measured using standard analytical techniques. They are generally referred to as *grease* or *greases*.

*Food courts* means designated areas, generally found at shopping malls, shopping centers and amusement parks, that contain several food service facilities with different owners that share seating space and plumbing facilities.

*Food service facility* means a facility that prepares and/or packages food for sale or consumption. These include, but are not limited to, restaurants, food processing facilities, food manufacturers, seafood packing plants, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools, dairies, slaughterhouses, meat packers, food courts, caterers and theme parks.

*Gray water* means all of the liquid and particles suspended in the liquid in a trap after lighter-than-water materials have risen to the top and heavier-than-water materials have sunk to the bottom.

*Grease* means animal and vegetable glycerides discharged from food processing and serving industries.

*Grease trap* means a device to which grease and food wastes are directed from the food service facility operations. It functions to separate and retain waterborne greases and solid food particles prior to the wastewater exiting the trap and entering the sanitary sewer system. It also collects solids and grease from kitchen floor drains.

*Mail or mailing* shall include any one (1) or all of the following: (1) the deposit in the U.S. mail or deposit with a similar and comparable delivery service, postage and all fees prepaid, properly addressed to the service address or a known current mailing address for the

consumer; (2) hand posting in a conspicuous place at the address intended, including but not limited to attachment to the main entry door of the addressed premises; and (3) hand delivery to a person at the intended address who appears to be over the age of eighteen (18) years of age. An affidavit of the person conducting the mailing that mailing was performed in accordance with this Chapter shall constitute a rebuttable presumption that mailing was performed. Where a consumer's address is unknown and cannot be determined by reasonable sources, publication once in a newspaper of general circulation within the County shall be equivalent to and shall constitute mailing for purposes of this Chapter.

*Owner* means the owner and, if the owner does not operate the facility, the operator of a food service facility or a transportation service establishment.

*Sampling port* means an opening allowing access to a location where samples can be collected and analyzed. The sampling port shall be between the trap and the point of discharge to the Town sewer system.

*Sand and oil trap* means a device to which sand and oil wastes are directed from the transportation service establishment operations. It functions to separate and retain waterborne sand and oil particles prior to the wastewater exiting the trap or interceptor and entering the sanitary sewer system.

*Sanitary sewer overflow* means the backing up and overflowing of the sewer system as a result of clogging or the obstruction of flow in the Town's sewer system due to the discharge of wastewater with excessive fats, oil, greases and sand.

*Services* means, collectively, services for electric, water and sewer provided by the Town Utility Systems and Departments.

*Sewage System* means the publicly owned wastewater treatment plants or sewer systems of the Town, including but not limited to all of the collector system piping, lines, manholes, lift stations and treatment plants.

*Town Utility Departments* shall mean, collectively, the Electric, Water and Sewer Departments of the Town.

*Town Utility Systems* means all facilities and equipment associated with the collection, treatment, operation and distribution of electricity, water and wastewater by the Electric Department, Water Department and/or Sewer Department of the Town.

*Transportation service establishment* means any automotive, truck or heavy machinery repair and/or maintenance shop, car or truck wash, truck terminal or commercial or industrial transportation equipment manufacturing or maintenance facility, that has tanks, wash racks or any other sand and oily liquid waste that discharges indirectly or directly to the Town's public sanitary sewer system.

*Trap*, in the singular or plural, refers to both a grease trap and a sand and oil trap, unless a modifying word indicates that a different meaning is intended.

*TSS* means total suspended solids.

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

*Wash rack* means the track over which a vehicle sits during a car/truck/equipment wash. Beneath the wash racks are basins which receive the rinsings from the car/truck/equipment wash, whether industrial or commercial. Since the rinsings from car/truck/equipment washes enter the municipal sanitary waterways, any business providing car/truck/equipment wash services should comply with this Chapter by installing a grease trap.

Sec. 13-4-~~340~~. - No transfer of existing service.

Wastewater services provided to any consumer or property may not be transferred to another or different consumer. Any transfer shall constitute a new service and shall be subject to the submission and approval of a new application for service as provided by Article 1 of this Chapter.

Sec. 13-4-~~450~~. - Deadline for payment.

All amounts owing for fees, rates and other charges for wastewater services shall be due, owing and payable within thirty (30) days from the date of billing.

Sec. 13-4-~~560~~. - Connection to wastewater system mandatory.

- (a) New improvements. All new buildings and improvements within the Town that will generate wastewater or effluent shall be connected to the municipal or a special district wastewater system and waste treatment facility. Such mandatory connection shall be made and the wastewater collection system shall be operational for the new building or improvement prior to or at the time of issuance of any certificate of occupancy.
- (b) Existing private waste systems to be eventually eliminated. The owner of any house, building, improvement or property used for human occupancy, employment, recreation or other purposes situated within the Town which is within four hundred (400) feet of a public wastewater line or wastewater main shall, at the owner's cost and expense, connect to such public wastewater line or main in accordance with the provisions of this Article. Such connection shall be made within ninety (90) days of the date of written demand by the Town Administrator provided to the owner after the property is sold, conveyed or otherwise transferred from the owner of such property. Following connection as required by this Section, existing private wastewater systems shall be properly emptied, cleaned, chlorinated and filled with dirt or sand.
- (c) Exemptions, waivers and postponement. The Board of Trustees may grant written waivers or exemptions from, or postpone conformance with, this Section when the Board of Trustees finds that good cause exists for such waiver or exemption and that the public health, safety and welfare will not be unreasonably harmed by such waiver, exemption or postponement.

Sec. 13-4-~~670~~. - Service rates and charges.



- (a) Rates and charges for wastewater services. Rates and charges shall be imposed for the use of Town wastewater system and sewage treatment plant in accordance with the following schedule. All monthly charges stated in this Section are for a "unit" as this term is defined in this Article.

<i>Type of Consumer</i>	<i>Monthly Charge Per Unit</i>
1. All consumers with flat rate Town-provided water service	\$98.50 base fee/month
2. Residential consumers with metered Town-provided water service	\$22.65 base fee/month plus an amount equal to: the sum of the consumer's water usage for the utility bills issued January 1, February 1 and March 1, divided by 3; and then multiplied by \$9.50 for each 1,000 gallons of average water use for such three-month period
3. Nonresidential consumers with metered Town-provided water service	\$22.65 base fee/month plus an amount equal to \$9.25 for each 1,000 gallons of water use during such billing period.

- (b) Surcharge added. A surcharge may be added to the rates and charges specified in this Section in accordance with other provisions of this Article.
- (c) Meter adjustments. In the event that (1) a new customer becomes responsible for service any time following January 1 of any year, or (2) an existing customer demonstrates, to the Town Administrator's satisfaction, that a water leak or malfunctioning meter has improperly affected actual use during the most recent period of December 1 to March 1, then the Town Administrator may estimate and adjust the customer's meter usage for purposes of this Section by using the average usage for all residential users within the Town for the entire calendar year. Adjustments for an existing customer shall extend only to bills for that calendar year and only for bills subsequent to the time of which the error is brought to the attention of the Town Administrator. In the event that the customer disagrees with the Town Administrator's estimation, the customer may elect to continue payment of monthly wastewater charges pursuant to applicable provision of Paragraph (a)(1) or (a)(2) above until such time that actual water consumption and billing amounts are obtained for service during the period of December 1 to March 1.

- (d) **Monthly minimum user fees.** In the event that any owner of a wastewater connection or tap purchased or otherwise granted or transferred to the owner after March 7, 1998, fails to connect or otherwise install such connection or tap and commence wastewater service to the owner's property within eighteen (18) months from the date of purchase or grant transfer of the wastewater tap, the owner shall pay each month, commencing on the first monthly billing period following such owner's failure, the minimum monthly rate or charge as set forth in this Section.
- (e) **Periodic CPI rate adjustment.** On every January 1 of each year, any flat rate or standard monthly service charge per unit provided in this Section shall be adjusted in accordance with the estimated Consumer Price Index (CPI) as established by the U.S. Bureau of Labor Statistics for the Denver/Boulder metropolitan area. Rates shall be rounded to the nearest five-cent increment. This Article shall be amended to reflect each periodic CPI rate adjustment, provided that failure to amend the rate contained in this Chapter shall not limit, preclude or prevent the operation and application of such periodic adjustment commencing each January 1.

**Sec. 13-4-780. - High Strength Waste Surcharge.**

- (a) **Purpose.** This Section is intended to charge businesses the true cost of treating their waste. Commercial customers may pay a surcharge for excessive pollutants. Sewer surcharge provisions were created to achieve equity between treatment costs and charges for all users. Factors such as strength (BOD and TSS), volume and delivery flow rate characteristics shall be considered and included as the basis for the consumer's contribution to ensure a proportional distribution of operation and maintenance costs to each consumer.
- (b) The Town requires all current and future commercial and/or industrial users of the Town's Wastewater Treatment Plant to complete and return the Wastewater Classification Survey form prior to discharging wastewater to the Town Sewer System. The survey form is designed to provide enough information for the Town to determine if a complete Wastewater Discharge Permit Application will be required  
<http://www.louisvilleco.gov/home/showdocument?id=2018>
- (c) **Determining commercial consumers high strength waste:**
  - (1) Average residential consumer daily loadings are considered to be two hundred forty (240) mg/L BOD.
  - (2) Commercial users will be classified into one of the following categories

STANDARD	<250 mg/L BOD	Businesses reasonably expected to discharge at or below typical residential.
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LOW	1000 mg/L	Restaurants, Car Washes, Medical Labs, and any business that is in the FOG program
MEDIUM	1,500 mg/L	Bakery, Meat Shops, Coffee Shops
HIGH	3,250 mg/L	Breweries, Distilleries, Slaughterhouse, Marijuana Grow Facilities

(c) Based on Lyons having costs to treat these wastes, the town will charge \$1.13 per pound of BOD.

(1) The number of pounds of BOD is determined by taking the category level in milligrams per Liter minus the allowed amount (250), multiplying that by how many millions of gallons of water flow the user had, then multiplying that by 8.34 which is a constant used to convert mg/L into pounds. As an example:

Industry A results for the month:

– Medium Category business BOD concentration: 1,500 ppm

– Sewer Bill shows: 10,000 gallons for the month

In this case  $((1500 - 250) \times .01 \times 8.34) = 104.25$  pounds  $\times \$1.13 = \$117.80$  surcharge

MONITORED	Anyone who applies and is accepted into the Monitored Program
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(d) If a commercial customer believes their high strength waste has a BOD lower than what is listed for their category, they can, at their own expense, install the required facilities to allow for testing of their waste and pay for the town to hire a firm to come out and test. Testing will be done at random and must be done 3 times per year. The town will then

use the results of the test to calculate the high strength waste surcharge.

- (e) All new commercial customers who do not fall into the standard category must have the required equipment installed to allow monitoring of wastewater.

Sec. 13-4-790. - Wastewater system demand surcharge.

- (a) Purpose. This Section is intended to provide a system to generate revenue to pay costs associated with the operation and maintenance of the Town's wastewater and wastewater system. The costs shall be distributed to all consumers of the wastewater system in proportion to each consumer's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume and delivery flow rate characteristics shall be considered and included as the basis for the consumer's contribution to ensure a proportional distribution of operation and maintenance costs to each consumer (or consumer class). Implementation of this Section may be delayed, postponed, suspended and commenced at any time by adoption of a resolution of the Board of Trustees.
- (b) Determining total annual cost of operation and maintenance. The Town Engineer shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund.
- (c) Determining each consumer's wastewater contribution percentage:
  - (1) The Town Engineer shall determine each consumer's average daily volume of wastewater that has been discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system, to determine each consumer's volume contribution percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The Town Engineer shall determine each consumer's average daily poundage of five-day twenty-degree centigrade biochemical oxygen demand which has been discharged to the wastewater system which shall then be divided by the average daily poundage of all five-day twenty-degree centigrade biochemical oxygen demand discharged to the wastewater system to determine each consumer's biochemical oxygen demand contribution percentage.
  - (2) The Town Engineer shall determine each consumer's average suspended solids poundage which has been discharged to the wastewater system, which shall then be divided by the average daily poundage of all suspended solids discharged to the wastewater system to determine the consumer's suspended solids contribution percentage. Each consumer's volume contribution percentage, biochemical oxygen demand contribution percentage and suspended solids contribution percentage shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, of the total five-day twenty-degree centigrade biochemical oxygen demand and of the total suspended solids, respectively.

- (d) Determining a surcharge system for consumers with BOD and TSS. The Town Engineer will determine the average suspended solids (TSS) and BOD daily loading for the average residential consumer. The Town Engineer will assess a surcharge for all nonresidential consumers discharging wastes with BOD and TSS strengths greater than the average residential consumer. Such consumers will be assessed a surcharge, sufficient to cover the costs of treating such consumers' above-normal strength wastes. Normal strength wastes are considered to be two hundred forty (240) parts per million (ppm) BOD and two hundred (200) parts per million (ppm) TSS.
- (e) Determining each consumer's wastewater demand surcharge. Each nonresidential consumer's wastewater treatment cost contributions as determined in Subsection (c) above shall be added together to determine such consumer's annual wastewater demand surcharge. Residential consumers may be considered to be one (1) class of consumer, and an equitable service charge may be determined for each such consumer based upon an estimate of the total wastewater contribution of this class of consumer. The governing body may classify industrial and commercial establishments as a residential consumer; provided, however, that the wastes from these establishments are equivalent to the wastes from the average residential consumer with respect to volume, suspended solids and five-day twenty-degree-centigrade biochemical oxygen demand. Each consumer's wastewater treatment cost contribution will be assessed in accordance with the rate schedule, as determined by the Board of Trustees.
- (f) Payment of consumer's wastewater demand surcharge and penalties. The Town shall submit an annual statement to the consumer for the consumer's annual wastewater demand surcharge, or one-twelfth (  $1/12$  ) of the consumer's annual wastewater demand surcharge may be included with the monthly water and/or wastewater utility billing. The Town shall add a penalty of ten percent (10%) per month if the payment is not received by the Town within fifteen (15) days. Should any consumer fail to pay the consumer wastewater demand surcharge and penalty within three (3) months of the due date, the Town may pursue any remedies for enforcement and collection provided by Article 1 of this Chapter.
- (g) Review of each consumer's wastewater demand surcharge. The Town shall review the total annual cost of operation and maintenance, as well as each consumer's wastewater contribution percentage, on an annual basis and will revise the system as needed to assure equity of the wastewater demand surcharge system established by this Section and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. If a significant consumer, such as an industry, has completed upgrades and modifications which would reduce the consumer's wastewater contribution percentage, the consumer may schedule with the Town Clerk a presentation at a regularly scheduled meeting of the Board of Trustees regarding such factual information, and the Board of Trustees shall then determine if the consumer's wastewater contribution percentage should be changed. The Town shall notify the consumer of its findings in writing following any determination.

**Sec. 13-4-8100. - Wastewater system connection permit and charges.**

- (a) Wastewater connection permit and charges permit required. It shall be unlawful for any person to tap or make any connection to the wastewater lines or wastewater mains

forming part of the Town wastewater system without having first obtained a Town-approved license for connection pursuant to Article 1 of this Chapter and having paid in full all required connection fees in accordance with this Article.

- (b) Issuance of permit. Any person seeking a permit for connection to the wastewater system shall file with the Town Clerk a completed application in a form furnished by the Town. Such application shall include a full description of the work proposed to be undertaken. Such application shall clearly identify and designate the point at which the proposed connection shall be made to the wastewater system of the Town and the property or property address to be served by the connection or tap.
- (c) Connection charges for property within the Town. For property within the Town, there shall be assessed and charged for each connection to the Town wastewater system a connection fee (also commonly known as a "tap fee") in the following rates and amounts:

<i>Connection</i>	<i>Fee</i>
All connections other than multiple-dwelling units:	\$8,500.00
Connections for multiple-dwelling units:	
First unit	8,500.00
Each additional unit	6,375.00
Accessory dwelling unit:	Does not apply*

\* Accessory dwelling units must be connected to the water, wastewater and electric utilities of the principal dwelling unit and may not have separate services, unless the Town Administrator determines such to be infeasible.

- (d) All connection charges shall be paid in full prior to the issuance of a permit for connection. Unless otherwise accepted by the Town, all payments shall be made in cash or certified funds.
- (e) Unless approved by the Board of Trustees, applications for connection to the public wastewater system shall be approved only for use in serving the property described in the application, and a permit shall be appurtenant to the property described in the application and shall not be sold, transferred, conveyed or otherwise divided or separated from the property to be served.
- (f) The Board of Trustees may reduce or waive the amount of any wastewater connection charges required by this Section on a case-by-case basis upon written request of an applicant. Approval of a reduction or waiver shall require that the Board of Trustees find that the reduction or waiver will encourage, advance, establish or permit desired land uses (such as development of affordable housing) or significant employment opportunities or provide a significant public benefit.
- (g) The Board of Trustees may enter into an agreement with any owner of a connection permit for the repurchase of such permit where the connection to the wastewater system has not been made or has been discontinued and physically disconnected from

the public wastewater system. In no event shall the repurchase price be greater than the original connection charge or tap fee paid by the owner or the owner's predecessor.

**Sec. 13-4-9110. - Service of property outside Town boundaries.**

- (a) **General policy. It is the policy of the Town to provide wastewater services to properties outside of the Town only where the following conditions are met or satisfied:**
- (1) **The property is served by metered Town water services; and**
  - (2) **The property is not annexable into Town; and**
  - (3) **The extension of services and the provision of services conforms to and complies with all requirements applicable to wastewater services for property within the Town, except as otherwise provided by this Section.**
- (b) **Connection or tap charges for property outside of the Town. For property outside of the Town, there shall be assessed and charged for each connection to the Town wastewater system a connection fee (also commonly known as a "tap fee") in the following rates and amounts:**

<b>All connections other than multiple-dwelling units:</b>	<b>\$8,500.00</b>
<b>Connections for multiple-dwelling units:</b>	
<b>First unit</b>	<b>8,500.00</b>
<b>Each additional unit</b>	<b>6,375.00</b>

- (c) **No rate reduction for nonresident consumers. Rate reductions for qualified consumers provided by Article 5 of this Chapter shall not be available for consumers of services residing outside of the Town.**

**Sec. 13-4-9120. - Connection specifications and requirements.**

- (a) **Independent connections required. Unless otherwise permitted as provided in this Section, each dwelling unit, building, business, industrial facility, premises or other structure connected to the public wastewater system shall have and maintain a direct and independent connection to the public wastewater system separate from that of every other dwelling unit, building, business, industrial facility, premises or other structure; provided, however, that land uses which typically and customarily share single wastewater connections, such as smaller multifamily residential apartments, may utilize a single connection with the written approval of the Town Administrator.**
- (b) **Exception to independent connections. The Town Administrator may authorize the use of a single connection to the public wastewater system for two (2) or more attached or detached residential dwelling units located upon a single subdivided lot. The Town Administrator shall approve such exception only where it would be physically or economically unfeasible to require separate connections. Any exception by the Town**



Administrator shall be made in writing and copies provided to the party seeking the exception and to the Board of Trustees. Any decision by the Town Administrator may be appealed by the party seeking the exception to the Board of Trustees by written request delivered to the Town Clerk within ten (10) days of the date of receipt of the Town Administrator's decision.

- (c) Inspection. After a permitted connection to the public wastewater system has been completed and before any backfilling of excavated areas has been commenced, the owner shall contact the Town Clerk and schedule an inspection by the Town of the drain lines, traps, connections and other improvements to determine whether the work was performed in accordance with the applicable building and plumbing requirements and with this Article.
- (d) Road and street cuts. A permit for connection to the Town wastewater system shall not constitute a license or permit for the making of any road or street cuts or the excavation of public rights-of-way. All construction activity within the public right-of-way shall be subject to the prior written approval of the Town.
- (e) Method of connection. All connections will be made to established wyes, and, if no wyes are available, by cutting a hole in the pipe and using a saddle approved by the Town Administrator, which saddle shall be thoroughly cemented on the pipe by completely surrounding the pipe with a collar of concrete not less than three (3) inches thick in accordance with all applicable construction and plumbing standards. The collar shall extend along the pipe a sufficient distance to cover any crack that may have developed in cutting the pipe and so as to prevent any infiltration of ground or surface water into the wastewater system.
- (f) Drain line. Wastewater lateral lines shall be a minimum of SDR 35 or an equivalent material approved by the Director of Public Works, and such lines shall meet or exceed all applicable design and construction standards adopted by the Town.

Sec. 13-4-1030. - Prohibited use of wastewater system.

- (a) The following practices or uses of the public wastewater system in the Town shall be prohibited:
  - (1) Pollutants which create a fire or explosion hazard, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
  - (2) Wastewater having a pH less than 5.0, greater than 9.0, or otherwise causing corrosive structural damage;
  - (3) Solid or viscous Pollutants in amounts which will cause obstruction of the flow resulting in Interference. Solid or viscous Pollutants shall not be discharged whole or ground by garbage grinders. This includes, but is not limited to ashes, cinders,



sand, oil and grease, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, paunch manure, hair and flesh, entrails, disposable containers;

- (4) Heat in amounts which will inhibit biological activity resulting in Interference, but in no case heat in such quantities that the temperature of influent at the Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority approves alternate temperature limits.
- (5) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin;
- (6) Pollutants which result in the presence of toxic gases, vapors, or fumes in a quantity that may cause worker health and safety problems;
- (7) Trucked or hauled pollutants;
- (8) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a health hazard, or to inhibit entry into the sewers for maintenance or repair;
- (9) Wastewater which imparts color which cannot be removed by the Treatment Plant, such as, but not limited to, dye wastes and vegetable tanning solutions;
- (10) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (11) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Town of Lyons;
- (12) Sludges, screenings, or other residues from the Pretreatment of industrial wastes;
- (13) Wastewater causing, alone or in conjunction with other sources, the Treatment Plant's effluent to fail toxicity tests;

- (14) Detergents, surface-active agents, or other Pollutants that might cause excessive foaming in the Treatment Plant;
- (15) Wastewater causing a reading on an explosion hazard meter;
- (16) Liquid Wastes from chemical toilets, trailers, campers or other recreational vehicles which have been collected or held in tanks or other containers shall not be discharged into the wastewater system except at locations authorized by the Town of Lyons to collect such wastes.
- (17) It shall be unlawful for any user to increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement.
- (18) It shall be unlawful for any person to damage, destroy, uncover, deface or tamper with any structure, pipeline, vault, lift station or equipment which is a part of the Town wastewater system.

Sec. 13-4-140. - Industrial wastewater discharges.

- (a) Industrial discharge permit required. No industrial business or industrial establishment shall discharge any waste or effluent into the wastewater system of the Town until such time that a permit is granted by the Town Administrator.
- (b) At the time of granting any permit required by this Section, the Town Administrator shall fix and determine the anticipated annual rate of industrial discharge for such industrial business or establishment. Based upon such rate of discharge, the Town Administrator shall impose an annual industrial discharge surcharge of twenty-four dollars (\$24.00) for each five thousand (5,000) gallons of waste or effluent to be discharged into the public wastewater system. Such industrial discharge surcharge shall be in addition to all other rates, fees and charges imposed by this Chapter for wastewater service.
- (c) Industrial discharge surcharge payments. The industrial discharge surcharge shall be payable in advance in two (2) equal installments. One-half (½) of the annual charge shall be due and payable on January 1 of each year, and the second one-half (½) of the annual installment shall be due and payable on July 1 of each year.
- (d) Special agreements. This Chapter shall not be interpreted or construed as limiting or preventing any written agreement between the Town and any industrial business or establishment for the acceptance of industrial waste or effluent by the Town for treatment subject to payment of a discharge and treatment fee. Such an agreement may substitute for and supersede the requirements of this Section to the extent expressly stated in such agreement.

Sec. 13-4-1~~250~~<sup>250</sup>. - Clearing of service lines.

It shall be the responsibility of the property owner to service, maintain and keep the service line extending between the property and the wastewater connection to the main clean and clear of any obstruction and to keep the service line in good repair at all times.

~~Sec. 13-4-130. - Service of property outside Town boundaries.~~

~~(a) — General policy. It is the policy of the Town to provide wastewater services to properties outside of the Town only where the following conditions are met or satisfied:~~

~~(1) — The property is served by metered Town water services; and~~

~~(2) — The extension of services and the provision of services conforms to and complies with all requirements applicable to wastewater services for property within the Town, except as otherwise provided by this Section.~~

~~(b) Connection or tap charges for property outside of the Town. For property outside of the Town, there shall be assessed and charged for each connection to the Town wastewater system a connection fee (also commonly known as a "tap fee") in the following rates and amounts:~~

<del>All connections other than multiple dwelling units:</del>	<del>\$8,500.00</del>
<del>Connections for multiple dwelling units:</del>	<del>—</del>
<del>First unit</del>	<del>8,500.00-</del>
<del>Each additional unit</del>	<del>6,375.00</del>

~~(c) No rate reduction for nonresident consumers. Rate reductions for qualified consumers provided by Article 5 of this Chapter shall not be available for consumers of services residing outside of the Town.~~

Sec. 13-4-1~~460~~<sup>460</sup>. - Grease and sand and oil traps required.

(a) General requirements.

- (1) Grease traps are required at all food service facilities directly or indirectly connected to the Town's sewage system. All fixtures within such a food service facility, including but not limited to kitchen sinks, dishwashers, automatic hood wash units, floor drains in food preparation and storage areas and any other source deemed by the Town Administrator to be a source of FOG or which may introduce FOG into the sewage system, must be connected to a grease trap. In no case shall FOG be directly introduced into the sewage system. A grease trap shall function to provide a quiescent, broad surface area that provides sufficient retention time for natural buoyancy of the FOG particles to separate from effluent and to retain FOG particles within the structure. Grease traps shall be designed to collect, contain or remove food wastes and grease from the waste stream while

allowing the balance of the liquid waste to discharge to the sewage system. All grease traps shall be designed and installed in accordance with sound engineering principles and according to the Town's specifications and shall fulfill all requirements of this Code. No grease trap shall be installed which has an approved rate of flow of less than fourteen (14) gallons per minute. Whenever possible, grease traps shall be located underground and outside of a food service facility and shall have at least one (1) inspection hatch on the top surface to facilitate inspection, cleaning and maintenance. Exterior grease traps shall be a minimum capacity of fifty-five (55) gallons, be made of impervious material and be watertight. Exterior grease traps shall be located not less than three (3) feet from the foundation wall of a building and as close as possible to the fixture the grease trap serves. Grease traps interior to a building shall be used only when it is impracticable to install an exterior trap; any interior grease trap shall be of not less than six (6) pounds.

- (2) Sand and oil traps are required at all transportation service establishments directly or indirectly connected to the Town Sewage System. All fixtures within such a transportation service establishment deemed by the Town Administrator to be a source of sand and/or oil that may be introduced into the sewage system shall be connected to a sand and oil trap. In no case shall sand or oil be directly introduced into the sewage system. No wash rack may be connected to the sewage system unless a sand and oil trap is installed. Sand and oil traps shall be of the same construction as grease traps and shall function to provide a quiescent, broad surface area that provides sufficient retention time for natural settling of the sand particles to separate from effluent and to retain sand and oil particles within the structure. Sand and oil traps shall be located as close to the fixture or floor drain as possible and shall be accessible for frequent cleanings. Sand and oil traps may be located underground and outside of a transportation service establishment and shall have at least one (1) inspection hatch on the top surface to facilitate inspection, cleaning and maintenance. Sand and oil traps shall be designed to collect, contain or remove sand and oil from the waste stream while allowing the balance of the liquid waste to discharge to the sewage system. All sand and oil traps shall be designed and installed in accordance with sound engineering principles and according to the Town's specifications and must fulfill all requirements of this Code.

(b) Requirements for traps.

- (1) All traps shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Town Administrator.
- (2) All traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- (3) The owner shall ensure that all traps work properly and effectively.
- (4) All traps shall fully comply with all applicable provisions of this Code and any other applicable Town regulations.

- (5) The owner shall be solely responsible for the cost and completion of trap cleaning, inspection, maintenance and repairs.
- (6) Pumping of all traps shall be performed when, in the case of a grease trap, the total volume of captured FOG and food sludge in a grease trap or, in the case of a sand and oil trap, the total volume of captured sand and oil, displaces twenty percent (20%) or more of the volume of the trap. Pumping the trap means emptying it and cleaning the side walls, cross pipes and inlet and outlet pipes.
- (7) All traps shall be opened, inspected and maintained a minimum of once per month.
- (8) Traps may be inspected by the Town Administrator as often as deemed necessary to assure compliance with this Article. Such inspections may be unannounced. The Town Administrator may review the facility's' records on proper pumping, cleaning, maintenance and disposal activities and may order the facility to make such changes or repairs as necessary to comply with the provisions of this Article.
- (9) The owner shall be solely responsible for the cost and completion of all repairs of traps. Repairs required by the Town Administrator shall be completed within twenty-one (21) calendar days from the date of receipt of written notice of required repairs.
- (10) The owner shall be responsible for the lawful disposition of all grease, sand, oil and materials removed from traps.
- (11) The owner shall maintain records of all trap cleaning, maintenance, disposal and repair, and shall make all records available to the Town Administrator upon demand. Such records shall include the date and time of the event recorded, as well as the date the record was created, and shall include the amount of material pumped, the repair conducted or similar description of the recorded event. All records shall be signed by the authorized owner or a representative of the owner or operator. If cleaning and maintenance are done by facility owners, written maintenance and cleaning procedures, as well as the above-required records, are required and shall be made available to the Town Administrator upon demand. All required written records shall be maintained for three (3) years from the date the record was created.
- (12) No chemicals, enzymes, emulsions, live bacteria or other grease cutters or additives to grease traps shall be used without the prior written approval of the Town Administrator. If the Town Administrator's approval to apply such additives is requested, the Town Administrator shall be furnished the Material Safety Data Sheet for the substance to be used, together with any other information requested by the Town Administrator, including but not limited to the frequency of application, concentration/dose and method of application. Approval by the Town Administrator to use additives may be for a limited time period and in any event may be terminated at any time at the discretion of the Town Administrator.
- (13) No grease, sand or oil sources shall be connected directly to sewer lines or be



allowed in any other manner to bypass the trap.

- (14) Sewage shall not be allowed to pass through a trap.
  - (15) Access covers or manholes shall be clearly identifiable and provided over each trap. The manholes shall have readily removable covers to facilitate inspection, the removal of grease, sand, oil and other materials, and gray water sampling activities. The location of the trap shall be kept free and clear of debris. Blocking or covering the access to manholes is prohibited. The owners or designated representatives (facility managers) of the food service facilities or transportation service establishments shall open access covers or manhole covers at the request of the Town Administrator.
  - (16) Traps shall be designed and maintained so as to prevent surface water or groundwater from entering the trap through leaks in the plumbing or cracks in the trap itself.
  - (17) Under-sink grease traps shall be cleaned at a minimum of once per week, or more often as necessary, to prevent pass-through of grease and other solids into the Town's sewage system. Facilities with under-sink grease traps are subject to the same recordkeeping requirements as indicated above.
  - (18) FOG, sand or oil shall not be discharged directly to the Town's sewage system, storm sewer system or any other location not designated by the Town Administrator for the reception of such materials.
  - (19) A sampling port shall be installed in a location approved by the Town Administrator to allow sampling by the Town Administrator. The sampling port shall be located between the trap and the discharge point to the sewage system.
  - (20) The owner shall allow the Town Administrator ready access at all reasonable times to all parts of the facility for the purpose of trap inspections, observations, records examination, measurements, sampling, testing and any other function deemed necessary under this Article.
- (c) Inspection and monitoring.
- (1) All facilities may be inspected by the Town Administrator as often as deemed necessary to assure compliance with this Article. Such inspections may be unannounced. The Town Administrator may review the records required by this Article and may order such changes or repairs as necessary to comply with the provisions of this Article. Inspections will not be limited to traps, but shall include all equipment and operations that may result in the generation of FOG, sand and oil. Other pertinent data and documentation will be subject to verification at the time of inspection.
  - (2) The Town Administrator may:
    - a. Sample and analyze wastewater discharge from food service facilities and transportation service establishments at any time to determine

compliance with all provisions of this Code.

- b. Measure grease, sand and gray water level in the traps at any time for pumping violations. c. Determine the adequacy of all traps, based on review of all pertinent information regarding grease, sand and oil trap performance and facility operations, and order the installation of an appropriate trap.

(d) Transportation of material removed from traps:

(1) All persons transporting FOG, sand and oil removed from traps shall:

- a. Comply with all applicable local, state and federal regulations.
- b. Lawfully dispose of all material removed from traps.
- c. Accurately maintain for a period of three (3) years the following records:
  - 1. Name and address of the business where the grease, sand and oil trap was pumped out and cleaned.
  - 2. Name of the business owner, date of pumping and volume of waste.
  - 3. As to each shipment of material removed from traps:
    - a) Vehicle license number of the vehicle used in the shipment;
    - b) The driver's name;
    - c) The date of delivery; and
    - d) A signed manifest. By signing a manifest, the driver certifies to the accuracy of information on the manifest.

(2) The Town Administrator may inspect all vehicles used in the transportation of material removed from traps.

(3) Persons transporting material removed from traps shall clean up spills or accidental releases on streets in the Town.

(e) Violations. The violation of any provision of this Section shall be a violation of this Code, punishable pursuant to the provisions of Section 1-4-20 of this Code. Each day a violation continues shall be considered a separate violation.

## ARTICLE 4 - Wastewater Services

### Sec. 13-4-10. - Wastewater Department created.

There is hereby created and established a Wastewater Department of the Town. The Wastewater Department shall have control of the operation and maintenance of the sanitary wastewater and sewer system and works for the collection and treatment of consumer-generated wastewater and effluent.

### Sec. 13-4-20. - Wastewater utility considered a Town-owned enterprise.

There is hereby established a wastewater utility of the Town. Such utility shall construct, maintain and operate the wastewater system of the Town. The utility shall be considered an "enterprise" as defined in Article X, Section 20 of the Colorado Constitution. All funds collected by the Town from the various sources authorized herein shall be properly identified and transferred for deposit in the wastewater Utility Enterprise Fund to be used for the operation of the utility.

- (a) The enterprise shall be authorized to have and exercise the following powers in furtherance of its purposes:
  - (1) To hold meetings concurrently with regular and special meetings of the Board of Trustees;
  - (2) To have and use a seal;
  - (3) To issue its revenue bonds for wastewater purposes in the manner in which Town revenue bonds may be issued;
  - (4) To pledge any revenues of the Town's wastewater system to the payment of such revenue bonds and to pay such revenue bonds therefrom;
  - (5) To enter into contracts relating to the wastewater system in the manner in which Town contracts may be entered into;
  - (6) To make representations, warranties and covenants relating to the wastewater system on behalf of the Town;
  - (7) To exercise rights and privileges of the Town relating to the wastewater system; and
  - (8) To bind the Town to perform any obligation relating to the wastewater system other than any multiple-fiscal-year direct or indirect debt or other financial obligation of the Town without adequate present cash reserves pledged irrevocably and held for payments in all future years.
- (b) All revenues and expenditures of the Town or of the enterprise relating to the wastewater utility system shall be considered revenues and expenditures of the



enterprise, shall be limited to the costs of operating and administering the wastewater system and utility, and shall not be used for general governmental purposes.

Sec. 13-4-30. - Definitions.

For purposes of this Article, the following terms and phrases shall have the meaning indicated, unless otherwise provided:

*BOD* means biochemical oxygen demand.

*Consumer* means any public or private user of any public utility system responsible for payment for services provided to real property. A *consumer* is customarily or typically the owner of the premises or property receiving services from the Town Utility System and the party ultimately responsible for payment of all fees, rates and charges for such services imposed pursuant to this Chapter.

*Department* means either the Electric, Water or Sewer Department as the context indicates.

*Establishment*, in the singular or plural, refers both to food service facilities and transportation service establishments, unless a modifying word indicates that a different meaning is intended.

*FOG* means fats, oil and grease, a term which generally refers to animal and vegetable glycerides discharged from food processing and serving industries. These substances are detectable and can be measured using standard analytical techniques. They are generally referred to as *grease* or *greases*.

*Food courts* means designated areas, generally found at shopping malls, shopping centers and amusement parks, that contain several food service facilities with different owners that share seating space and plumbing facilities.

*Food service facility* means a facility that prepares and/or packages food for sale or consumption. These include, but are not limited to, restaurants, food processing facilities, food manufacturers, seafood packing plants, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools, dairies, slaughterhouses, meat packers, food courts, caterers and theme parks.

*Gray water* means all of the liquid and particles suspended in the liquid in a trap after lighter-than-water materials have risen to the top and heavier-than-water materials have sunk to the bottom.

*Grease* means animal and vegetable glycerides discharged from food processing and serving industries.

*Grease trap* means a device to which grease and food wastes are directed from the food service facility operations. It functions to separate and retain waterborne greases and solid food particles prior to the wastewater exiting the trap and entering the sanitary sewer system. It also collects solids and grease from kitchen floor drains.

*Mail or mailing* shall include any one (1) or all of the following: (1) the deposit in the U.S. mail or deposit with a similar and comparable delivery service, postage and all fees prepaid, properly addressed to the service address or a known current mailing address for the consumer; (2) hand posting in a conspicuous place at the address intended, including but not limited to attachment to the main entry door of the addressed premises; and (3) hand delivery to a person at the intended address who appears to be over the age of eighteen (18) years of age. An affidavit of the person conducting the mailing that mailing was performed in accordance with this Chapter shall constitute a rebuttable presumption that mailing was performed. Where a consumer's address is unknown and cannot be determined by reasonable sources, publication once in a newspaper of general circulation within the County shall be equivalent to and shall constitute mailing for purposes of this Chapter.

*Owner* means the owner and, if the owner does not operate the facility, the operator of a food service facility or a transportation service establishment.

*Sampling port* means an opening allowing access to a location where samples can be collected and analyzed. The sampling port shall be between the trap and the point of discharge to the Town sewer system.

*Sand and oil trap* means a device to which sand and oil wastes are directed from the transportation service establishment operations. It functions to separate and retain waterborne sand and oil particles prior to the wastewater exiting the trap or interceptor and entering the sanitary sewer system.

*Sanitary sewer overflow* means the backing up and overflowing of the sewer system as a result of clogging or the obstruction of flow in the Town's sewer system due to the discharge of wastewater with excessive fats, oil, greases and sand.

*Services* means, collectively, services for electric, water and sewer provided by the Town Utility Systems and Departments.

*Sewage System* means the publicly owned wastewater treatment plants or sewer systems of the Town, including but not limited to all of the collector system piping, lines, manholes, lift stations and treatment plants.

*Town Utility Departments* shall mean, collectively, the Electric, Water and Sewer Departments of the Town.

*Town Utility Systems* means all facilities and equipment associated with the collection, treatment, operation and distribution of electricity, water and wastewater by the Electric Department, Water Department and/or Sewer Department of the Town.

*Transportation service establishment* means any automotive, truck or heavy machinery repair and/or maintenance shop, car or truck wash, truck terminal or commercial or industrial transportation equipment manufacturing or maintenance facility, that has tanks, wash racks or any other sand and oily liquid waste that discharges indirectly or directly to the Town's public sanitary sewer system.

*Trap*, in the singular or plural, refers to both a grease trap and a sand and oil trap,

unless a modifying word indicates that a different meaning is intended.

*TSS* means total suspended solids.

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

*Wash rack* means the track over which a vehicle sits during a car/truck/equipment wash. Beneath the wash racks are basins which receive the rinsings from the car/truck/equipment wash, whether industrial or commercial. Since the rinsings from car/truck/equipment washes enter the municipal sanitary waterways, any business providing car/truck/equipment wash services should comply with this Chapter by installing a grease trap.

Sec. 13-4-40. - No transfer of existing service.

Wastewater services provided to any consumer or property may not be transferred to another or different consumer. Any transfer shall constitute a new service and shall be subject to the submission and approval of a new application for service as provided by Article 1 of this Chapter.

Sec. 13-4-50. - Deadline for payment.

All amounts owing for fees, rates and other charges for wastewater services shall be due, owing and payable within thirty (30) days from the date of billing.

Sec. 13-4-60. - Connection to wastewater system mandatory.

- (a) New improvements. All new buildings and improvements within the Town that will generate wastewater or effluent shall be connected to the municipal or a special district wastewater system and waste treatment facility. Such mandatory connection shall be made and the wastewater collection system shall be operational for the new building or improvement prior to or at the time of issuance of any certificate of occupancy.
- (b) Existing private waste systems to be eventually eliminated. The owner of any house, building, improvement or property used for human occupancy, employment, recreation or other purposes situated within the Town which is within four hundred (400) feet of a public wastewater line or wastewater main shall, at the owner's cost and expense, connect to such public wastewater line or main in accordance with the provisions of this Article. Such connection shall be made within ninety (90) days of the date of written demand by the Town Administrator provided to the owner after the property is sold, conveyed or otherwise transferred from the owner of such property. Following connection as required by this Section, existing private wastewater systems shall be properly emptied, cleaned, chlorinated and filled with dirt or sand.
- (c) Exemptions, waivers and postponement. The Board of Trustees may grant written waivers or exemptions from, or postpone conformance with, this Section when the Board of Trustees finds that good cause exists for such waiver or exemption and that the public

health, safety and welfare will not be unreasonably harmed by such waiver, exemption or postponement.

Sec. 13-4-70. - Service rates and charges.

- (a) Rates and charges for wastewater services. Rates and charges shall be imposed for the use of Town wastewater system and sewage treatment plant in accordance with the following schedule. All monthly charges stated in this Section are for a "unit" as this term is defined in this Article.

<i>Type of Consumer</i>	<i>Monthly Charge Per Unit</i>
1. All consumers with flat rate Town-provided water service	\$98.50 base fee/month
2. Residential consumers with metered Town-provided water service	\$22.65 base fee/month plus an amount equal to: the sum of the consumer's water usage for the utility bills issued January 1, February 1 and March 1, divided by 3; and then multiplied by \$9.50 for each 1,000 gallons of average water use for such three-month period
3. Nonresidential consumers with metered Town-provided water service	\$22.65 base fee/month plus an amount equal to \$9.25 for each 1,000 gallons of water use during such billing period.

- (b) Surcharge added. A surcharge may be added to the rates and charges specified in this Section in accordance with other provisions of this Article.
- (c) Meter adjustments. In the event that (1) a new customer becomes responsible for service any time following January 1 of any year, or (2) an existing customer demonstrates, to the Town Administrator's satisfaction, that a water leak or malfunctioning meter has improperly affected actual use during the most recent period of December 1 to March 1, then the Town Administrator may estimate and adjust the customer's meter usage for purposes of this Section by using the average usage for all residential users within the Town for the entire calendar year. Adjustments for an existing customer shall extend only to bills for that calendar year and only for bills subsequent to the time of which the error is brought to the attention of the Town Administrator. In the event that the customer disagrees with the Town Administrator's estimation, the customer may elect to continue payment of monthly wastewater

charges pursuant to applicable provision of Paragraph (a)(1) or (a)(2) above until such time that actual water consumption and billing amounts are obtained for service during the period of December 1 to March 1.

- (d) Monthly minimum user fees. In the event that any owner of a wastewater connection or tap purchased or otherwise granted or transferred to the owner after March 7, 1998, fails to connect or otherwise install such connection or tap and commence wastewater service to the owner's property within eighteen (18) months from the date of purchase or grant transfer of the wastewater tap, the owner shall pay each month, commencing on the first monthly billing period following such owner's failure, the minimum monthly rate or charge as set forth in this Section.
- (e) Periodic CPI rate adjustment. On every January 1 of each year, any flat rate or standard monthly service charge per unit provided in this Section shall be adjusted in accordance with the estimated Consumer Price Index (CPI) as established by the U.S. Bureau of Labor Statistics for the Denver/Boulder metropolitan area. Rates shall be rounded to the nearest five-cent increment. This Article shall be amended to reflect each periodic CPI rate adjustment, provided that failure to amend the rate contained in this Chapter shall not limit, preclude or prevent the operation and application of such periodic adjustment commencing each January 1.

#### Sec. 13-4-80. - High Strength Waste Surcharge.

- (a) Purpose. This Section is intended to charge businesses the true cost of treating their waste. Commercial customers may pay a surcharge for excessive pollutants. Sewer surcharge provisions were created to achieve equity between treatment costs and charges for all users. Factors such as strength (BOD and TSS), volume and delivery flow rate characteristics shall be considered and included as the basis for the consumer's contribution to ensure a proportional distribution of operation and maintenance costs to each consumer.
- (b) The Town requires all current and future commercial and/or industrial users of the Town's Wastewater Treatment Plant to complete and return the Wastewater Classification Survey form prior to discharging wastewater to the Town Sewer System. The survey form is designed to provide enough information for the Town to determine if a complete Wastewater Discharge Permit Application will be required  
<http://www.louisvilleco.gov/home/showdocument?id=2018>
- (c) Determining commercial consumers high strength waste:
  - (1) Average residential consumer daily loadings are considered to be two hundred forty (240) mg/L BOD.
  - (2) Commercial users will be classified into one of the following categories

<b>STANDARD</b>	<250 mg/L BOD	Businesses reasonably expected to discharge at or below typical residential.
<b>LOW</b>	1000 mg/L	Restaurants, Car Washes, Medical Labs, and any business that is in the FOG program
<b>MEDIUM</b>	1,500 mg/L	Bakery, Meat Shops, Coffee Shops
<b>HIGH</b>	3,250 mg/L	Breweries, Distilleries, Slaughterhouse, Marijuana Grow Facilities

(c) Based on Lyons having costs to treat these wastes, the town will charge \$1.13 per pound of BOD.

- (1) The number of pounds of BOD is determined by taking the category level in milligrams per Liter minus the allowed amount (250), multiplying that by how many millions of gallons of water flow the user had, then multiplying that by 8.34 which is a constant used to convert mg/L into pounds. As an example:

Industry A results for the month:

- Medium Category business BOD concentration: 1,500 ppm
- Sewer Bill shows: 10,000 gallons for the month

In this case  $((1500 - 250) \times .01 \times 8.34) = 104.25$  pounds  $\times \$1.13 = \$117.80$  surcharge

<b>MONITORED</b>	Anyone who applies and is accepted into the
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	Monitored Program
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- (d) If a commercial customer believes their high strength waste has a BOD lower than what is listed for their category, they can, at their own expense, install the required facilities to allow for testing of their waste and pay for the town to hire a firm to come out and test. Testing will be done at random and must be done 3 times per year. The town will then use the results of the test to calculate the high strength waste surcharge.
- (e) All new commercial customers who do not fall into the standard category must have the required equipment installed to allow monitoring of wastewater.

Sec. 13-4-90. - Wastewater system demand surcharge.

- (a) Purpose. This Section is intended to provide a system to generate revenue to pay costs associated with the operation and maintenance of the Town's wastewater and wastewater system. The costs shall be distributed to all consumers of the wastewater system in proportion to each consumer's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume and delivery flow rate characteristics shall be considered and included as the basis for the consumer's contribution to ensure a proportional distribution of operation and maintenance costs to each consumer (or consumer class). Implementation of this Section may be delayed, postponed, suspended and commenced at any time by adoption of a resolution of the Board of Trustees.
- (b) Determining total annual cost of operation and maintenance. The Town Engineer shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund.
- (c) Determining each consumer's wastewater contribution percentage:
  - (1) The Town Engineer shall determine each consumer's average daily volume of wastewater that has been discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system, to determine each consumer's volume contribution percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The Town Engineer shall determine each consumer's average daily poundage of five-day twenty-degree centigrade biochemical oxygen demand which has been discharged to the wastewater system which shall then be divided by the average daily poundage of all five-day twenty-degree centigrade biochemical oxygen demand discharged to the wastewater system to determine each consumer's biochemical oxygen demand contribution percentage.
  - (2) The Town Engineer shall determine each consumer's average suspended solids



poundage which has been discharged to the wastewater system, which shall then be divided by the average daily poundage of all suspended solids discharged to the wastewater system to determine the consumer's suspended solids contribution percentage. Each consumer's volume contribution percentage, biochemical oxygen demand contribution percentage and suspended solids contribution percentage shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, of the total five-day twenty-degree centigrade biochemical oxygen demand and of the total suspended solids, respectively.

- (d) Determining a surcharge system for consumers with BOD and TSS. The Town Engineer will determine the average suspended solids (TSS) and BOD daily loading for the average residential consumer. The Town Engineer will assess a surcharge for all nonresidential consumers discharging wastes with BOD and TSS strengths greater than the average residential consumer. Such consumers will be assessed a surcharge, sufficient to cover the costs of treating such consumers' above-normal strength wastes. Normal strength wastes are considered to be two hundred forty (240) parts per million (ppm) BOD and two hundred (200) parts per million (ppm) TSS.
- (e) Determining each consumer's wastewater demand surcharge. Each nonresidential consumer's wastewater treatment cost contributions as determined in Subsection (c) above shall be added together to determine such consumer's annual wastewater demand surcharge. Residential consumers may be considered to be one (1) class of consumer, and an equitable service charge may be determined for each such consumer based upon an estimate of the total wastewater contribution of this class of consumer. The governing body may classify industrial and commercial establishments as a residential consumer; provided, however, that the wastes from these establishments are equivalent to the wastes from the average residential consumer with respect to volume, suspended solids and five-day twenty-degree-centigrade biochemical oxygen demand. Each consumer's wastewater treatment cost contribution will be assessed in accordance with the rate schedule, as determined by the Board of Trustees.
- (f) Payment of consumer's wastewater demand surcharge and penalties. The Town shall submit an annual statement to the consumer for the consumer's annual wastewater demand surcharge, or one-twelfth (  $1/12$  ) of the consumer's annual wastewater demand surcharge may be included with the monthly water and/or wastewater utility billing. The Town shall add a penalty of ten percent (10%) per month if the payment is not received by the Town within fifteen (15) days. Should any consumer fail to pay the consumer wastewater demand surcharge and penalty within three (3) months of the due date, the Town may pursue any remedies for enforcement and collection provided by Article 1 of this Chapter.
- (g) Review of each consumer's wastewater demand surcharge. The Town shall review the total annual cost of operation and maintenance, as well as each consumer's wastewater contribution percentage, on an annual basis and will revise the system as needed to assure equity of the wastewater demand surcharge system established by this Section and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. If a significant consumer, such as an industry, has completed upgrades and modifications which would reduce the consumer's wastewater contribution percentage, the consumer may schedule with the Town Clerk a presentation



at a regularly scheduled meeting of the Board of Trustees regarding such factual information, and the Board of Trustees shall then determine if the consumer's wastewater contribution percentage should be changed. The Town shall notify the consumer of its findings in writing following any determination.

**Sec. 13-4-100. - Wastewater system connection permit and charges.**

- (a) Wastewater connection permit and charges permit required. It shall be unlawful for any person to tap or make any connection to the wastewater lines or wastewater mains forming part of the Town wastewater system without having first obtained a Town-approved license for connection pursuant to Article 1 of this Chapter and having paid in full all required connection fees in accordance with this Article.
- (b) Issuance of permit. Any person seeking a permit for connection to the wastewater system shall file with the Town Clerk a completed application in a form furnished by the Town. Such application shall include a full description of the work proposed to be undertaken. Such application shall clearly identify and designate the point at which the proposed connection shall be made to the wastewater system of the Town and the property or property address to be served by the connection or tap.
- (c) Connection charges for property within the Town. For property within the Town, there shall be assessed and charged for each connection to the Town wastewater system a connection fee (also commonly known as a "tap fee") in the following rates and amounts:

<i><b>Connection</b></i>	<i><b>Fee</b></i>
All connections other than multiple-dwelling units:	\$8,500.00
Connections for multiple-dwelling units:	
First unit	8,500.00
Each additional unit	6,375.00
Accessory dwelling unit:	Does not apply*

\* Accessory dwelling units must be connected to the water, wastewater and electric utilities of the principal dwelling unit and may not have separate services, unless the Town Administrator determines such to be infeasible.

- (d) All connection charges shall be paid in full prior to the issuance of a permit for connection. Unless otherwise accepted by the Town, all payments shall be made in cash or certified funds.
- (e) Unless approved by the Board of Trustees, applications for connection to the public wastewater system shall be approved only for use in serving the property described in the application, and a permit shall be appurtenant to the property described in the application and shall not be sold, transferred, conveyed or otherwise divided or separated from the property to be served.
- (f) The Board of Trustees may reduce or waive the amount of any wastewater connection

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

- (g) The Board of Trustees may enter into an agreement with any owner of a connection permit for the repurchase of such permit where the connection to the wastewater system has not been made or has been discontinued and physically disconnected from the public wastewater system. In no event shall the repurchase price be greater than the original connection charge or tap fee paid by the owner or the owner's predecessor.

Sec. 13-4-110. - Service of property outside Town boundaries.

- (a) General policy. It is the policy of the Town to provide wastewater services to properties outside of the Town only where the following conditions are met or satisfied:
  - (1) The property is served by metered Town water services; and
  - (2) The property is not annexable into Town; and
  - (3) The extension of services and the provision of services conforms to and complies with all requirements applicable to wastewater services for property within the Town, except as otherwise provided by this Section.
- (b) Connection or tap charges for property outside of the Town. For property outside of the Town, there shall be assessed and charged for each connection to the Town wastewater system a connection fee (also commonly known as a "tap fee") in the following rates and amounts:

All connections other than multiple-dwelling units:	\$8,500.00
Connections for multiple-dwelling units:	
First unit	8,500.00
Each additional unit	6,375.00

- (c) No rate reduction for nonresident consumers. Rate reductions for qualified consumers provided by Article 5 of this Chapter shall not be available for consumers of services residing outside of the Town.

Sec. 13-4-120. - Connection specifications and requirements.

- (a) Independent connections required. Unless otherwise permitted as provided in this Section, each dwelling unit, building, business, industrial facility, premises or other structure connected to the public wastewater system shall have and maintain a direct and independent connection to the public wastewater system separate from that of every other dwelling unit, building, business, industrial facility, premises or other structure; provided, however, that land uses which typically and customarily share single

wastewater connections, such as smaller multifamily residential apartments, may utilize a single connection with the written approval of the Town Administrator.

- (b) Exception to independent connections. The Town Administrator may authorize the use of a single connection to the public wastewater system for two (2) or more attached or detached residential dwelling units located upon a single subdivided lot. The Town Administrator shall approve such exception only where it would be physically or economically unfeasible to require separate connections. Any exception by the Town Administrator shall be made in writing and copies provided to the party seeking the exception and to the Board of Trustees. Any decision by the Town Administrator may be appealed by the party seeking the exception to the Board of Trustees by written request delivered to the Town Clerk within ten (10) days of the date of receipt of the Town Administrator's decision.
- (c) Inspection. After a permitted connection to the public wastewater system has been completed and before any backfilling of excavated areas has been commenced, the owner shall contact the Town Clerk and schedule an inspection by the Town of the drain lines, traps, connections and other improvements to determine whether the work was performed in accordance with the applicable building and plumbing requirements and with this Article.
- (d) Road and street cuts. A permit for connection to the Town wastewater system shall not constitute a license or permit for the making of any road or street cuts or the excavation of public rights-of-way. All construction activity within the public right-of-way shall be subject to the prior written approval of the Town.
- (e) Method of connection. All connections will be made to established wyes, and, if no wyes are available, by cutting a hole in the pipe and using a saddle approved by the Town Administrator, which saddle shall be thoroughly cemented on the pipe by completely surrounding the pipe with a collar of concrete not less than three (3) inches thick in accordance with all applicable construction and plumbing standards. The collar shall extend along the pipe a sufficient distance to cover any crack that may have developed in cutting the pipe and so as to prevent any infiltration of ground or surface water into the wastewater system.
- (f) Drain line. Wastewater lateral lines shall be a minimum of SDR 35 or an equivalent material approved by the Director of Public Works, and such lines shall meet or exceed all applicable design and construction standards adopted by the Town.

Sec. 13-4-130. - Prohibited use of wastewater system.

- (a) The following practices or uses of the public wastewater system in the Town shall be prohibited:
  - (1) Pollutants which create a fire or explosion hazard, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;

- (2) Wastewater having a pH less than 5.0, greater than 9.0, or otherwise causing corrosive structural damage;
- (3) Solid or viscous Pollutants in amounts which will cause obstruction of the flow resulting in Interference. Solid or viscous Pollutants shall not be discharged whole or ground by garbage grinders. This includes, but is not limited to ashes, cinders, sand, oil and grease, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, paunch manure, hair and flesh, entrails, disposable containers;
- (4) Heat in amounts which will inhibit biological activity resulting in Interference, but in no case heat in such quantities that the temperature of influent at the Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority approves alternate temperature limits.
- (5) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin;
- (6) Pollutants which result in the presence of toxic gases, vapors, or fumes in a quantity that may cause worker health and safety problems;
- (7) Trucked or hauled pollutants;
- (8) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a health hazard, or to inhibit entry into the sewers for maintenance or repair;
- (9) Wastewater which imparts color which cannot be removed by the Treatment Plant, such as, but not limited to, dye wastes and vegetable tanning solutions;
- (10) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (11) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Town of Lyons;

- (12) Sludges, screenings, or other residues from the Pretreatment of industrial wastes;
- (13) Wastewater causing, alone or in conjunction with other sources, the Treatment Plant's effluent to fail toxicity tests;
- (14) Detergents, surface-active agents, or other Pollutants that might cause excessive foaming in the Treatment Plant;
- (15) Wastewater causing a reading on an explosion hazard meter;
- (16) Liquid Wastes from chemical toilets, trailers, campers or other recreational vehicles which have been collected or held in tanks or other containers shall not be discharged into the wastewater system except at locations authorized by the Town of Lyons to collect such wastes.
- (17) It shall be unlawful for any user to increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement.
- (18) It shall be unlawful for any person to damage, destroy, uncover, deface or tamper with any structure, pipeline, vault, lift station or equipment which is a part of the Town wastewater system. as provided by this Section:

**Sec. 13-4-140. - Industrial wastewater discharges.**

- (a) Industrial discharge permit required. No industrial business or industrial establishment shall discharge any waste or effluent into the wastewater system of the Town until such time that a permit is granted by the Town Administrator.
- (b) At the time of granting any permit required by this Section, the Town Administrator shall fix and determine the anticipated annual rate of industrial discharge for such industrial business or establishment. Based upon such rate of discharge, the Town Administrator shall impose an annual industrial discharge surcharge of twenty-four dollars (\$24.00) for each five thousand (5,000) gallons of waste or effluent to be discharged into the public wastewater system. Such industrial discharge surcharge shall be in addition to all other rates, fees and charges imposed by this Chapter for wastewater service.
- (c) Industrial discharge surcharge payments. The industrial discharge surcharge shall be payable in advance in two (2) equal installments. One-half (½) of the annual charge

shall be due and payable on January 1 of each year, and the second one-half (½) of the annual installment shall be due and payable on July 1 of each year.

- (d) Special agreements. This Chapter shall not be interpreted or construed as limiting or preventing any written agreement between the Town and any industrial business or establishment for the acceptance of industrial waste or effluent by the Town for treatment subject to payment of a discharge and treatment fee. Such an agreement may substitute for and supersede the requirements of this Section to the extent expressly stated in such agreement.

Sec. 13-4-150. - Clearing of service lines.

It shall be the responsibility of the property owner to service, maintain and keep the service line extending between the property and the wastewater connection to the main clean and clear of any obstruction and to keep the service line in good repair at all times.

Sec. 13-4-160. - Grease and sand and oil traps required.

(a) General requirements.

- (1) Grease traps are required at all food service facilities directly or indirectly connected to the Town's sewage system. All fixtures within such a food service facility, including but not limited to kitchen sinks, dishwashers, automatic hood wash units, floor drains in food preparation and storage areas and any other source deemed by the Town Administrator to be a source of FOG or which may introduce FOG into the sewage system, must be connected to a grease trap. In no case shall FOG be directly introduced into the sewage system. A grease trap shall function to provide a quiescent, broad surface area that provides sufficient retention time for natural buoyancy of the FOG particles to separate from effluent and to retain FOG particles within the structure. Grease traps shall be designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the sewage system. All grease traps shall be designed and installed in accordance with sound engineering principles and according to the Town's specifications and shall fulfill all requirements of this Code. No grease trap shall be installed which has an approved rate of flow of less than fourteen (14) gallons per minute. Whenever possible, grease traps shall be located underground and outside of a food service facility and shall have at least one (1) inspection hatch on the top surface to facilitate inspection, cleaning and maintenance. Exterior grease traps shall be a minimum capacity of fifty-five (55) gallons, be made of impervious material and be watertight. Exterior grease traps shall be located not less than three (3) feet from the foundation wall of a building and as close as possible to the fixture the grease trap serves. Grease traps interior to a building shall be used only when it is impracticable to install an exterior trap; any interior grease trap shall be of not less than six (6) pounds.
- (2) Sand and oil traps are required at all transportation service establishments directly or indirectly connected to the Town Sewage System. All fixtures within such a transportation service establishment deemed by the Town Administrator to

be a source of sand and/or oil that may be introduced into the sewage system shall be connected to a sand and oil trap. In no case shall sand or oil be directly introduced into the sewage system. No wash rack may be connected to the sewage system unless a sand and oil trap is installed. Sand and oil traps shall be of the same construction as grease traps and shall function to provide a quiescent, broad surface area that provides sufficient retention time for natural settling of the sand particles to separate from effluent and to retain sand and oil particles within the structure. Sand and oil traps shall be located as close to the fixture or floor drain as possible and shall be accessible for frequent cleanings. Sand and oil traps may be located underground and outside of a transportation service establishment and shall have at least one (1) inspection hatch on the top surface to facilitate inspection, cleaning and maintenance. Sand and oil traps shall be designed to collect, contain or remove sand and oil from the waste stream while allowing the balance of the liquid waste to discharge to the sewage system. All sand and oil traps shall be designed and installed in accordance with sound engineering principles and according to the Town's specifications and must fulfill all requirements of this Code.

(b) Requirements for traps.

- (1) All traps shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Town Administrator.
- (2) All traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- (3) The owner shall ensure that all traps work properly and effectively.
- (4) All traps shall fully comply with all applicable provisions of this Code and any other applicable Town regulations.
- (5) The owner shall be solely responsible for the cost and completion of trap cleaning, inspection, maintenance and repairs.
- (6) Pumping of all traps shall be performed when, in the case of a grease trap, the total volume of captured FOG and food sludge in a grease trap or, in the case of a sand and oil trap, the total volume of captured sand and oil, displaces twenty percent (20%) or more of the volume of the trap. Pumping the trap means emptying it and cleaning the side walls, cross pipes and inlet and outlet pipes.
- (7) All traps shall be opened, inspected and maintained a minimum of once per month.
- (8) Traps may be inspected by the Town Administrator as often as deemed necessary to assure compliance with this Article. Such inspections may be unannounced. The Town Administrator may review the facility's records on proper pumping, cleaning, maintenance and disposal activities and may order the facility to make such changes or repairs as necessary to comply with the provisions of this Article.



- (9) The owner shall be solely responsible for the cost and completion of all repairs of traps. Repairs required by the Town Administrator shall be completed within twenty-one (21) calendar days from the date of receipt of written notice of required repairs.
- (10) The owner shall be responsible for the lawful disposition of all grease, sand, oil and materials removed from traps.
- (11) The owner shall maintain records of all trap cleaning, maintenance, disposal and repair, and shall make all records available to the Town Administrator upon demand. Such records shall include the date and time of the event recorded, as well as the date the record was created, and shall include the amount of material pumped, the repair conducted or similar description of the recorded event. All records shall be signed by the authorized owner or a representative of the owner or operator. If cleaning and maintenance are done by facility owners, written maintenance and cleaning procedures, as well as the above-required records, are required and shall be made available to the Town Administrator upon demand. All required written records shall be maintained for three (3) years from the date the record was created.
- (12) No chemicals, enzymes, emulsions, live bacteria or other grease cutters or additives to grease traps shall be used without the prior written approval of the Town Administrator. If the Town Administrator's approval to apply such additives is requested, the Town Administrator shall be furnished the Material Safety Data Sheet for the substance to be used, together with any other information requested by the Town Administrator, including but not limited to the frequency of application, concentration/dose and method of application. Approval by the Town Administrator to use additives may be for a limited time period and in any event may be terminated at any time at the discretion of the Town Administrator.
- (13) No grease, sand or oil sources shall be connected directly to sewer lines or be allowed in any other manner to bypass the trap.
- (14) Sewage shall not be allowed to pass through a trap.
- (15) Access covers or manholes shall be clearly identifiable and provided over each trap. The manholes shall have readily removable covers to facilitate inspection, the removal of grease, sand, oil and other materials, and gray water sampling activities. The location of the trap shall be kept free and clear of debris. Blocking or covering the access to manholes is prohibited. The owners or designated representatives (facility managers) of the food service facilities or transportation service establishments shall open access covers or manhole covers at the request of the Town Administrator.
- (16) Traps shall be designed and maintained so as to prevent surface water or groundwater from entering the trap through leaks in the plumbing or cracks in the trap itself.
- (17) Under-sink grease traps shall be cleaned at a minimum of once per week, or more often as necessary, to prevent pass-through of grease and other solids into



the Town's sewage system. Facilities with under-sink grease traps are subject to the same recordkeeping requirements as indicated above.

- (18) FOG, sand or oil shall not be discharged directly to the Town's sewage system, storm sewer system or any other location not designated by the Town Administrator for the reception of such materials.
- (19) A sampling port shall be installed in a location approved by the Town Administrator to allow sampling by the Town Administrator. The sampling port shall be located between the trap and the discharge point to the sewage system.
- (20) The owner shall allow the Town Administrator ready access at all reasonable times to all parts of the facility for the purpose of trap inspections, observations, records examination, measurements, sampling, testing and any other function deemed necessary under this Article.

(c) Inspection and monitoring.

- (1) All facilities may be inspected by the Town Administrator as often as deemed necessary to assure compliance with this Article. Such inspections may be unannounced. The Town Administrator may review the records required by this Article and may order such changes or repairs as necessary to comply with the provisions of this Article. Inspections will not be limited to traps, but shall include all equipment and operations that may result in the generation of FOG, sand and oil. Other pertinent data and documentation will be subject to verification at the time of inspection.
- (2) The Town Administrator may:
  - a. Sample and analyze wastewater discharge from food service facilities and transportation service establishments at any time to determine compliance with all provisions of this Code.
  - b. Measure grease, sand and gray water level in the traps at any time for pumping violations. c. Determine the adequacy of all traps, based on review of all pertinent information regarding grease, sand and oil trap performance and facility operations, and order the installation of an appropriate trap.

(d) Transportation of material removed from traps:

- (1) All persons transporting FOG, sand and oil removed from traps shall:
  - a. Comply with all applicable local, state and federal regulations.
  - b. Lawfully dispose of all material removed from

traps.

- c. Accurately maintain for a period of three (3) years the following records:
  - 1. Name and address of the business where the grease, sand and oil trap was pumped out and cleaned.
  - 2. Name of the business owner, date of pumping and volume of waste.
  - 3. As to each shipment of material removed from traps:
    - a) Vehicle license number of the vehicle used in the shipment;
    - b) The driver's name;
    - c) The date of delivery; and
    - d) A signed manifest. By signing a manifest, the driver certifies to the accuracy of information on the manifest.
- (2) The Town Administrator may inspect all vehicles used in the transportation of material removed from traps.
- (3) Persons transporting material removed from traps shall clean up spills or accidental releases on streets in the Town.
- (e) Violations. The violation of any provision of this Section shall be a violation of this Code, punishable pursuant to the provisions of Section 1-4-20 of this Code. Each day a violation continues shall be considered a separate violation.