

**TITLE 6**  
**PUBLIC WAYS AND PROPERTY**

Subject	Chapter
Sidewalks, Curbs And Gutters . . . . .	1
Street Names And House Numbers . . . . .	2
Excavations . . . . .	3
Trees And Shrubs . . . . .	4
Water Regulations . . . . .	5
Wastewater System . . . . .	6

## CHAPTER 1

**SIDEWALKS, CURBS AND GUTTERS**

## SECTION:

- 6-1-1: Sidewalk Construction Requirements
- 6-1-2: Curb And Gutter Construction Requirements
- 6-1-3: Supervision; Penalty
- 6-1-4: Construction And Repair Procedure
- 6-1-5: Assessments
- 6-1-6: Sidewalk Repairs

**6-1-1: SIDEWALK CONSTRUCTION REQUIREMENTS:**

A. Generally: All sidewalks hereafter constructed, rebuilt or repaired upon and along any street or avenue of the town of Flagler, Colorado, shall be constructed, rebuilt or repaired by the owner or owners of the lot or lots abutting thereon and at the expense of said owner or owners as hereinafter in this chapter provided, and shall be constructed, rebuilt and repaired of the materials and in the manner as in this chapter provided and not otherwise.

B. Construction Specifications:

1. All sidewalks hereafter constructed shall be constructed of cement, all cement construction to be of rough, float finish, and the mixture thereof shall not be less than one part cement and five (5) parts of gravel; no sidewalks shall be less than four inches (4") in thickness and shall have close fitting joints and an unbroken continuous surface, provided that in the repair of sidewalks now existing, the kind of material may be used of which such walks were originally constructed.

2. All sidewalks upon and along Main Avenue from the Kyle Railroad right of way to 5th Street shall be of a uniform width of ten feet (10') and shall be constructed with the inside edge thereof along the lot line and with the outside edge thereof along the edge of the curbing;

all other sidewalks within the town shall be of a uniform width of five feet (5') with the inside edge thereof a uniform distance of one foot (1') from the lot line, provided that the board of trustees may at any time designate a different width for any sidewalks, in which event, due notice thereof shall be given to those affected thereby.

All sidewalks shall slope to the outer edge thereof in the proportion of one inch (1") to each five feet (5') of width or fraction thereof.

3. All sidewalks whether now existing or hereafter constructed shall be laid according to the established grades of the town, and not otherwise, and before any sidewalk shall be constructed, rebuilt or repaired, the owner or owners of the property along which said sidewalk abuts shall apply to the board of trustees, or to the officer designated by it to lay out, stake, and establish the grade thereof and said owner or owners shall construct, rebuild or repair said sidewalk as so laid out and staked; and any sidewalk now existing or hereafter constructed, which does not conform to the established grades or width requirements of this chapter may be by order of the board of trustees repaired and rebuilt in the manner as is hereafter, in this chapter, provided. (Ord. 137, 9-14-1998)

#### 6-1-2: **CURB AND GUTTER CONSTRUCTION REQUIREMENTS:**

A. Responsibility For Construction And Costs: All curbs and gutters hereafter constructed in the town shall be constructed by and at the expense of the owner or owners of the property abutting thereon.

B. Construction Specifications:

1. All curbs shall be of uniform height of eight inches (8") and of a uniform width of six inches (6"), and all curbs shall slope back two inches (2") from the lower outside edge. All corners at street and alley intersections shall be rounded at an angle of ninety degrees (90°) and all corners at any openings or passageways in said curb shall be rounded at a like angle.

2. All gutters shall be of a uniform width of twenty four inches (24") and shall be not less than four inches (4") in thickness and shall conform to the contour of the street as determined by the established grade thereof.

3. All curbs and gutters shall be constructed of cement in the proportion of one part cement to five (5) parts gravel and shall

conform to the established grades of the town, and the cross sections, for curbs and gutters as adopted by the board of trustees.

- C. Application Of Sidewalk Provisions: All provisions of this chapter dealing with and relating to the construction, rebuilding and repair of sidewalks shall apply to the construction, rebuilding and repair of curbs and gutters. (Ord. 137, 9-14-1998)

6-1-3: **SUPERVISION; PENALTY:** All sidewalks and all curbs and gutters shall be constructed, rebuilt or repaired under the supervision and to the satisfaction of the board of trustees or such officer shall have the authority to stop any construction, rebuilding or repairing of any sidewalk, curb or gutter if the same is not being constructed, rebuilt or repaired in accordance with the provisions of this chapter, or of any order of the board of trustees requiring the construction, rebuilding, or repairing thereof. If any person so constructing, rebuilding, or repairing any such sidewalk, curb or gutter, shall fail, neglect, or refuse, after notification by the board of trustees, or by the officer designated by it, to abide by this chapter or said order, he shall, on conviction thereof, be fined in a sum not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) for each offense, and the board of trustees may proceed to order the rebuilding of such sidewalk in the manner as is hereinafter provided in section 6-1-4 of this chapter. (Ord. 137, 9-14-1998)

6-1-4: **CONSTRUCTION AND REPAIR PROCEDURE:**

- A. When upon the request of a citizen of the town or upon the board's own investigation, it is determined that it would be in the best interests of the citizens of the town of Flagler that a certain sidewalk, curb, or gutter, be constructed or repaired pertaining to any street, avenue, or part thereof, within the town of Flagler, the board shall, upon motion duly made and passed, authorize the town manager, or other designated employee or agent of the town, to perform a study of the subject area and determine the approximate cost of the construction or repair to be done, the names and addresses of the owners of the adjacent or abutting property to be affected by the construction or repair, and the approximate cost to be apportioned among and borne by the respective owners. The cost of such construction or repairs shall be apportioned among the owners of the adjacent or abutting properties in proportion to frontage feet.
- B. Upon receipt of the information set forth in subsection A of this section, the board shall reassess the construction or repair of the



subject sidewalk, curb, or gutter, and if the board reaffirms the necessity or benefit of requiring such construction or repair, shall cause written notice to be sent by certified and regular mail to the owners of the property adjacent to or abutting the sidewalk, curb, or gutter to be constructed or repaired. The notice shall be sent to the owner or owners as may be known by the town. The notice shall describe the subject area by legal and street description and shall inform the owners of the approximate total cost of the construction or repair, as well as the owner's prorated share of the cost of construction or repair. The notice shall further inform the owner or owners of the subject property that the cost and expense of the construction or repair shall be due to the town and collectable from such owner within thirty (30) days of the completion of construction or repair of the street, curb, or gutter, and that failure to make such payment may result in the implementation of the assessment procedures as set forth herein. The notice shall further state a time that the owner or owners may appear before the board, at public hearing, to question the computations made by the town manager and any other relevant matters pertaining to the construction or repair to be done.

- C. Following the public hearing as described in subsection B of this section and upon final approval of the expense computations by the board, the board shall cause a second notice to be conveyed by certified and regular mail to the owner or owners of the subject property notifying such owner or owners that the sidewalk, curb, or gutter shall be constructed or repaired, according to town standards, by such owner or owners within thirty (30) days of the second notice. Further, the notice shall inform the owner or owners that if such construction or repair is not completed within the thirty (30) day period, the town may cause the construction or repairs to be completed at the cost and expense of such owner or owners. The board reserves the right, for purposes of consistency and quality control, to require that the construction or repairs be made through town employees or to arrange for the construction or repair to be done by a qualified contractor.
- D. Upon completion of the sidewalk, curb, or gutter construction or repairs to the town's satisfaction, the town shall cause a third notice to be conveyed by certified and regular mail to the owner or owners of the subject property notifying such owner or owners, that the construction or repairs is completed and that payment for construction or repairs is due, in full, within thirty (30) days of the date of completion. The notice shall specify the final sum to be paid by the owner or owners. (Ord. 137, 9-14-1998)

**6-1-5: ASSESSMENTS:**

- A. Should the owner or owners fail to make the required payment to the town within the applicable thirty (30) day period, the town may take such remedial collection action as allowed by Colorado law, including the recording of an assessment lien against the subject real property. Further, the town may certify said assessment to the Kit Carson County treasurer who shall then extend said assessment upon his/her tax roll and collect it in the same manner as other taxes assessed upon said property. Such assessment shall include five percent (5%) of the total cost for inspection and incidental cost and an additional ten percent (10%) of the total cost for the cost of collection through the office of the Kit Carson County treasurer, all as allowed by statute.
- B. The board may consider a payment schedule for any owner or owners assessed with cost of construction or repairs of sidewalks, curbs, or gutters upon a showing of good cause for such extension by the owner or owners. Further, the board may adopt a policy concerning the extension of payments, such payment schedule not to exceed one year in duration. (Ord. 137, 9-14-1998)

**6-1-6: SIDEWALK REPAIRS:** If it shall appear to the board of trustees that any sidewalk is so much out of repair as to endanger the traveling public, it may, upon its own motion by resolution, order the same to be repaired at once, and in case the same is not repaired in three (3) days after notice is given to owner, if known, or if he be found, the town may proceed to repair the same and assess the cost thereof against the adjacent property. If such owner is not known or cannot be found, a notation of such fact shall be entered of record by the town clerk and, in that event, notice may be dispensed with.

All assessments provided for in this section shall be made and collected in like manner as is hereinbefore provided in the case of the construction of sidewalks. (Ord. 137, 9-14-1998)

## CHAPTER 2

**STREET NAMES AND HOUSE NUMBERS**

## SECTION:

- 6-2-1: Street Names Adopted
- 6-2-2: Duty To Number
- 6-2-3: Town Clerk To Assign Numbers
- 6-2-4: Manner Of Numbering Buildings
- 6-2-5: Decimal System To Be Used
- 6-2-6: Baselines And Numbering
- 6-2-7: Even And Odd Numbers
- 6-2-8: Penalty

6-2-1: **STREET NAMES ADOPTED:** The names of the streets and avenues in the town as they appear in the plat file June 7, 1952, in plat book 2 at page 46 of the records of the clerk and recorder of Kit Carson County, Colorado, having theretofore been previously approved by the town board of trustees are hereby adopted as the official names of the streets and avenues of the town. (Ord. 87, 7-11-1966)

6-2-2: **DUTY TO NUMBER:** It is hereby made the duty of all owners or occupants of all buildings situated in the town to number them in the manner provided herein and as may hereafter be provided by ordinance. (Ord. 87, 7-11-1966)

6-2-3: **TOWN CLERK TO ASSIGN NUMBERS:** The town clerk shall assign each building its proper number in accordance with this chapter. (Ord. 87, 7-11-1966)

6-2-4: **MANNER OF NUMBERING BUILDINGS:** Buildings shall be numbered by placing the number in a conspicuous place on the front of the building so as to be easily seen from the street. Each

number shall be at least three inches (3") in height and so designed as to be distinctly and easily read. (Ord. 87, 7-11-1966)

6-2-5:       **DECIMAL SYSTEM TO BE USED:** The decimal system of numbering buildings is hereby adopted, and one hundred (100) numbers are hereby assigned to each block consisting of the frontage on both sides of a street between intersecting streets. (Ord. 87, 7-11-1966)

6-2-6:       **BASELINES AND NUMBERING:** High Street, running along the south boundary of the town, shall be the baseline for all numbering on avenues and streets running north and south, and Main Avenue shall be the baseline for all numbering on the streets running east and west. Buildings fronting on streets running east and west shall be numbered east and west from Main Avenue as zero, allowing one number to each twenty five feet (25') of frontage, and fractions may be used to number a building located on a fractional part of twenty five feet (25') of frontage. Buildings fronting on streets west of Main Avenue shall be known and designated as "west" and buildings fronting on streets east of Main Avenue shall be known and designated as "east", and the prefixes shall be placed before the proper name of the street. The buildings fronting on streets and avenues running north and south shall be numbered north from High Street as zero, allowing one number to each twenty five feet (25'), and fractions may be used, if necessary, to designate a building located on a fractional part of a twenty five foot (25') frontage. (Ord. 87, 7-11-1966)

6-2-7:       **EVEN AND ODD NUMBERS:** On all streets running east and west, even numbers shall be used on the north side and odd numbers shall be used on the south side. On all avenues running north and south, even numbers shall be used on the east side and odd numbers shall be used on the west side. (Ord. 87, 7-11-1966)

6-2-8:       **PENALTY:** Any person being the owner or occupant of any building who, after being notified by the town clerk, in writing, of the proper number of said building, shall, for thirty (30) days thereafter, fail or refuse to number said building in conformity with the provisions of this chapter shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 87, 7-11-1966; amd. 1992 Code)

CHAPTER 3  
**EXCAVATIONS**

SECTION:

6-3-1:       Barricades And Lights Required

6-3-1:       **BARRICADES AND LIGHTS REQUIRED:** Every person, whether engaged in public work or private, who shall dig or cause to be dug any excavation whatsoever, in or adjoining any highway, street, sidewalk or other public places in the town, shall cause the same to be guarded with a substantial fence or railing not less than three feet (3') high and so placed as to prevent persons, animals or vehicles from falling therein, and every person digging in such street or highway shall cause to be kept burning during the night one or more lights, as the case may require, which shall be securely and conspicuously posted on or near any such excavation to prevent danger from any excavation to persons or animals.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor. Any person, upon conviction of any misdemeanor or for the violation of any provision specified in this chapter, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 3, 4-9-1917; amd. 1992 Code)

## CHAPTER 4

**TREES AND SHRUBS**

## SECTION:

- 6-4-1: Owner's Responsibility To Care For Trees And Shrubs  
6-4-2: Failure To Care For Trees And Shrubs  
6-4-3: Penalty

6-4-1: **OWNER'S RESPONSIBILITY TO CARE FOR TREES AND SHRUBS:** Every owner of real property within the corporate limits of the town of Flagler and the occupants, tenants or agents in charge thereof shall be and are required to trim, spray, remove and otherwise care for trees and shrubs upon that portion of any street upon which such property abuts, to remove any dead trees or shrubs or dead overhanging boughs dangerous to life, limb or property located upon such property and to trim any trees or shrubs which may project beyond the property line, onto or over public property or which may obstruct the light from any street lamp, the movement of pedestrians or the vision of drivers of vehicles at intersections or which may interfere with power lines. (Ord. 118, 3-12-1984)

6-4-2: **FAILURE TO CARE FOR TREES AND SHRUBS:** In the event of the failure or refusal of any such owner, occupant, tenant or agent to comply with the provisions of section 6-4-1 of this chapter, the town shall have the power and authority to have such trees and shrubs, or parts thereof, trimmed, sprayed, removed and protected and recover the cost thereof from such owner, occupant, tenant or agent in a civil action; provided, however, that not less than fifteen (15) days prior to the exercise of such power, the town, through its duly acting clerk, shall first give notice in writing to such owner, occupant, tenant or agent by registered mail at the last known address of such person giving notice that if the remedial action is not completed within fifteen (15) days from the date of notice, such work will be done by the town and the cost will be recovered as herein provided. (Ord. 118, 3-12-1984)

6-4-3

6-4-3

6-4-3:       **PENALTY:** Any person who shall violate this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 118, 3-12-1984; amd. 1992 Code)

## CHAPTER 5

**WATER REGULATIONS**

## SECTION:

- 6-5-1: General Provisions
- 6-5-2: Rules And Regulations
- 6-5-3: Water Rates

6-5-1: **GENERAL PROVISIONS:**

- A. **Control And Management:** The water manager shall have the immediate control and management of all things pertaining to the town waterworks, and he shall perform all acts that may be necessary for the prudent, efficient and economical management and protection of said waterworks, subject to the approval and confirmation of the town board.
- B. **Books And Papers:** The town clerk shall have the care and safekeeping of all books and papers belonging to the water department and shall deliver the same to his successor in office.
- C. **Receipts And Deposits:** The town clerk shall keep a correct account of all receipts, make out all bills for water rents and materials furnished to consumers, collect the same and deposit the proceeds so collected with the proper official to the credit of the waterworks fund of said town, and in accordance with the direction of the town board.
- D. **Water Taps:** The water manager shall have all taps for service made and see that they are properly installed, and report the same to the town clerk.
- E. **Inspection:** Whenever, in the judgment of the water manager, he deems necessary, he may inspect the premises of any consumer for the purpose of examining the condition of all pipes, meters and water fixtures. He shall be vigilant to detect and eliminate all abuses,



whether from waste or other improper use of water. (Ord. 22, 12-6-1920; amd. 1992 Code)

- F. Definitions: "Recreation vehicle or vacation mobile home" shall be defined as any vehicle capable of moving safely upon the state highways and roads while allowing for reasonable habitation by one or more persons within such vehicle for an extended length of time. (Ord. 143, 2-14-2000)

6-5-2: **RULES AND REGULATIONS:** The following rules and regulations are hereby established for the management, control and protection of the town waterworks. Said rules shall be considered a part of the contract with every person who takes water supplied by the town from the town waterworks, and every person taking water shall be considered as having expressed consent to be bound thereby:

**RULE 1.** Application for the use of water shall be made to the town clerk at his office. The application must be made by the owner or agent of the property to be benefited, designating the location of the property and stating the purpose for which the water may be required.

**RULE 2.** At the time of making the application, the town clerk shall collect tap fees as follows to cover the cost of laying the service pipe to the curb and covering the cost of making the tap from the water main, the corporation cock, lead connections, necessary pipe, curb cock and curb box and the work of installing the same:

<u>Tap Size</u>	<u>Fee</u>
$\frac{3}{4}$ inch	\$ 500.00
1 inch	700.00
1 $\frac{1}{2}$ inch	1,050.00
2 inch	1,600.00

*under Review*

All necessary trenching and backfilling will be done at the expense of the town if connection is made to the waterworks system prior to September 1, 1921. (Ord. 22, 12-6-1920; amd. motions 3-1988, 5-1992)

**RULE 3.** Should the owner or the occupant of the premises desire additional service or fixtures or to apply the water for a purpose not stated at the time of the original application, permission must be obtained therefor. (Ord. 22, 12-6-1920; amd. 1992 Code)

means, from a permanent structure or town water line to a recreational vehicle, vacation mobile home or other temporary structure unless such recreational vehicle, vacation mobile home, or other temporary structure is located within and has contracted with the owner or owners of a mobile home park for such use. Those persons or entities wishing to be exempted for good cause from the requirements of the rule, including the temporary use of the structure as a residence while construction of a permitted permanent residence or structure is taking place, may apply for such exemption on forms provided by the board. Such forms shall include a valid building permit and permit to park the recreational vehicle or vacation mobile home while working on the home or structure. The board shall thereafter, at the next scheduled regular meeting, determine whether such exemption would adversely affect the municipal water system and whether the exemption would be in the best interests of the citizens of the town. (Ord. 143, 2-14-2000)

RULE 20. All water rates shall be charged against the property on which it is furnished and against the owner thereof, and if, from any cause, any sums owing therefor become delinquent, the water shall be cut off, and in no case shall it be turned on to the same property until all such delinquencies shall have been paid in full. Change of ownership or occupation shall not affect the application of this rule.

RULE 21. All accounts for water shall be kept in the name of the owner of the property and not in the name of any tenant, and the owner only, or his legally authorized agent, shall be held responsible for water rents; provided, that persons holding under a lease may be supplied on their own account where it is impracticable to keep the account in the name of the owner.

RULE 22. The water manager or other officers of the town shall be permitted at all time to enter the premises or buildings of consumers to examine the water pipes and fixtures and the manner in which the water is used, and in case of fraudulent representation on the part of the consumer or wilful and unreasonable waste of water, said consumer shall forfeit any payment made and the water department may cause the water to be turned off and assess damages to the premises.

RULE 23. In each and every violation of the rules and regulations established by this chapter, the offending party shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 22, 12-6-1920; amd. 1992 Code; Ord. 143, 2-14-2000)

6-5-3

6-5-3

6-5-3: **WATER RATES:** The following rates will be charged to consumers:

In town:

\$6.50 for first 2,000 gallons of water used  
1.00 per 1,000 gallons thereafter

Out of town:

\$10.00 for first 2,000 gallons of water used  
1.90 per 1,000 gallons thereafter

see ORD. 198

(Motion 8-15-1986; amd. 2004 Code)

## CHAPTER 6

**WASTEWATER SYSTEM**

## SECTION:

- 6-6- 1: Purpose And Policy
- 6-6- 2: Definitions
- 6-6- 3: Qualified Maintenance Manager
- 6-6- 4: Individual Wastewater Disposal Systems
- 6-6- 5: Service
- 6-6- 6: Connection And Installation Of System
- 6-6- 7: Costs And Charges
- 6-6- 8: Prohibitions And Limitations On Wastewater Discharge
- 6-6- 9: Authority Of Inspectors
- 6-6-10: Violations And Penalties

6-6-1: **PURPOSE AND POLICY:** These rules and regulations set forth uniform requirements for users of the publicly owned treatment works for the Flagler wastewater system and enables the town to comply with all applicable state and federal laws, including the federal water pollution control act amendments of 1972 and the clean water act of 1977, with subsequent amendments. The objectives of these rules and regulations are:

- A. To prevent the introduction of pollutants into the publicly owned treatment works, hereinafter referred to as POTW, which would interfere with its operation;
- B. To prevent the introduction of pollutants into the POTW that would pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- C. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;



- D. To enable the town to comply with any and all federal or state laws to which the POTW is subject;
- E. To enable the town to control the right to any use of the sewage system by conditional grants of permission which are subject to future conditions, suspension, and revocation.

These rules and regulations shall apply to all users of the POTW. These rules and regulations authorize the issuance of wastewater connection permits; establish conditions for service; provide for enforcement activities; establish administrative procedures; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord. 162, 9-8-2003)

6-6-2: **DEFINITIONS:** Unless the context indicates otherwise, the meanings of terms used in this chapter shall be as follows:

<b>ACT:</b>	The federal water pollution control act amendments of 1972, and subsequent amendments, including the clean water act of 1977.
<b>BOD OR BIOCHEMICAL OXYGEN DEMAND:</b>	The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory methods of five (5) days at twenty degrees Celsius (20°C), expressed in terms of weight and concentration (milligrams per liter).
<b>BIOCIDES:</b>	Those chemical compounds commonly known as herbicides, fungicides, rodenticides, insecticides, or bactericides.
<b>BUILDING DRAIN:</b>	That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') outside the inner face of the building wall.
<b>BUILDING SEWER:</b>	The extension from the building drain to the utility or other place of disposal.

<b>BYPASS:</b>	The intentional diversion of waste streams from any point of a user's service connection.
<b>CDPS OR COLORADO DISCHARGE PERMIT SYSTEM:</b>	The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into surface water of the state of Colorado under conditions of the delegation of authority to administer a state water quality control program pursuant to section 402 of the act.
<b>COLLECTION LINE:</b>	That portion of the wastewater treatment system which collects and transmits wastewater from users to the wastewater treatment plant, excluding service lines.
<b>COMBINED SEWER:</b>	A sewer line receiving both surface runoff and sewage.
<b>COMPOSITE SAMPLE:</b>	A series of grab samples of equal volume taken at predetermined times over a predetermined time period without regard to flow and which are combined into one sample.
<b>CONVENTIONAL POLLUTANT:</b>	BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the utility's permit for its wastewater treatment works where said works have been designed and used to reduce or remove pollutants.
<b>COOLING WATER:</b>	The water discharged from uses such as air conditioning or refrigeration or to which the only pollutant added is heat.
<b>CUSTOMER OR USER:</b>	The person or authorized agent of the person or entity designated on the records of the town as the person responsible for payment of charges incurred for the use of the wastewater service system at the premises being served.

**DOMESTIC WASTES  
OR SANITARY  
WASTES:**

Liquid waste from the noncommercial preparation, cooking and handling of food, or that which contains human excrement and similar matter discharged into a collection line from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and other institutions.

**FIXTURE UNIT  
EQUIVALENT:**

The unit value prescribed for plumbing fixtures as set out in the uniform plumbing code, latest edition, computed on the basis of the design capability of such fixture to permit the flow of water or wastewater.

**GARBAGE:**

Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of food and produce.

**GRAB SAMPLE:**

A singular sample of a user's effluent which is taken during the user's normal operating day without regard for variations in daily operational characteristics, flow or concentration of pollutants.

**INCOMPATIBLE  
POLLUTANT:**

Any pollutant which is not a "conventional pollutant" as defined herein.

**INDIVIDUAL  
WASTEWATER  
DISPOSAL SYSTEM:**

A septic tank, cesspool or similar self-contained receptacle of facility which collects and/or treats or otherwise disposes of wastewater and which is not connected to the wastewater treatment system of the town.

**INDUSTRIAL USER:**

A source of indirect discharge under regulations pursuant to or for which local pretreatment standards have been published by the environmental protection agency or for which local pretreatment standards have been established.

**INDUSTRIAL WASTES:**

Any liquid, solid, or gaseous waste or form of energy or combination thereof resulting from any process or operational procedures of an

industrial user and is distinct from sanitary wastes.

**INTERFERENCE:**

Inhibition or disruption of the POTW's sewer system, treatment processes or operations or which contributes to a violation of any requirement of the town's permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the act or any criteria, guidelines or regulations developed pursuant to the solid wastes disposal act, the resource conservation and recovery act, the clean air act, the toxic substances control act, or more stringent state criteria applicable to the method of disposal or use employed by the POTW.

**NPDES OR NATIONAL  
POLLUTANT  
DISCHARGE  
ELIMINATION  
SYSTEM:**

The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the act. This shall be analogous with the term CDPS, Colorado discharge permit system, wherein the state of Colorado has delegated the authorities and responsibilities outlined above.

**NATURAL OUTLET:**

Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**NORMAL DOMESTIC  
STRENGTH  
WASTEWATER:**

Wastewater that when analyzed by standard methods contains no more than two hundred milligrams per liter (200 mg/l) of suspended solids and two hundred milligrams per liter (200 mg/l) of BOD.

**PERMIT:**

The right of discharge of domestic or sanitary wastes into the town's collection lines.

**pH:**

The logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution, measured in a scale from 1 to 14 (1 to 7 = acidic; 7 to 14 = base) with 7 being neutral.



PRETREATMENT:	Application of physical, chemical and/or biological processes to reduce the amount of pollutants in or to alter the nature of the pollutant properties in wastewater prior to discharging such wastewater into the wastewater treatment system.
PRETREATMENT STANDARDS:	All applicable federal rules and regulations implementing section 307 of the act, as well as any nonconflicting state or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.
PROPERLY SHREDDED GARBAGE:	The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch ( $\frac{1}{2}$ " ) in any dimension.
PUBLICLY OWNED TREATMENT WORKS (POTW), WASTEWATER TREATMENT SYSTEM, SEWER SYSTEM, OR WASTEWATER SYSTEM:	Any devices, facilities, structures, equipment or works owned or used by the town for the purpose of the transmission, storage, treatment, recycling, and reclamation of domestic wastes, or to recycle or reuse water, including intercepting sewers, outfall sewers, natural treatment systems, collection lines, pumping, power and other equipment, and their appurtenances and excluding service lines; extensions, improvements, additions, alteration, or any remodeling thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including the land and sites that may be acquired, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
QUALIFIED MAINTENANCE MANAGER:	That qualified person, as defined herein, appointed and employed by the town to administer these rules and regulations and to

	oversee the technical and practical operation of the POTW.
RECEIVING WATER:	Lakes, rivers, streams or other watercourses which receive treated or untreated wastewater.
RESIDENTIAL:	Pertaining to wastewater service provided premises used as dwelling places or residences, including single-family dwellings, common wall multi-family dwellings, mobile home, and manufactured homes.
SERVICE LINE:	The wastewater collector line extending from the wastewater disposal facilities of the premises up to and including the connection to the collection line.
SLUDGE:	Any discharge of water, sewage or industrial waste which contains any substances regulated by this chapter in concentrations which exceed for any period longer than fifteen (15) minutes more than five (5) times the average daily concentration of that substance during normal operations and exceeds the limitations contained in this chapter, or which causes a twofold or more increase in discharge rate for a period longer than twenty (20) minutes; or causes the user's effluent to violate the pH limitations provided in this chapter for a period longer than twenty (20) minutes.
STORM DRAIN:	A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted water.
STORM WATER:	Water flowing or discharged as a result of rain, snow, or other precipitation.
SUSPENDED SOLIDS:	The total suspended matter that floats on the surface, or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering by standard methods.
UNPOLLUTED WATER:	Water which does not contain any substances limited or prohibited by the effluent standards in

effect or water whose discharge will not cause any violation of receiving water quality standards.

**WASTEWATER:**

The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water and storm water that may be present, whether treated or untreated. (Ord. 162, 9-8-2003)

**6-6-3: QUALIFIED MAINTENANCE MANAGER:**

- A. There is hereby created the position of qualified maintenance manager who shall be appointed by the board of trustees and shall be paid such remuneration for the performance of his duties as the board may fix from time to time.
- B. The duties of the qualified maintenance manager, hereinafter referred to as QMM, shall consist of the following:
  - 1. The QMM shall be responsible for the management of the wastewater system and all of the property appertaining thereto and shall see that such system is kept in good working order and repair.
  - 2. The QMM shall ensure proper compliance with all local, state and federal regulations for collection, treatment and discharge of wastewater.
  - 3. The QMM shall designate the location of each new connection to the wastewater system and keep adequate records of the location of all connections and the general plans of the system.
  - 4. The QMM shall make recommendations to the board for improvements, additions, and repairs to the wastewater system and provide recommendations for the annual budgeting of funds for the operation and maintenance of the sewage works.
  - 5. The QMM shall perform all other duties in connection with the wastewater system as may be required of him by the board. (Ord. 162, 9-8-2003)

**6-6-4: INDIVIDUAL WASTEWATER DISPOSAL SYSTEMS:**

- A. Prohibited: It shall be unlawful for any person, business, or entity, to construct an individual septic system, privy vault or receptacle for wastewater disposal or similar private device after the adoption date hereof, within the limits of the town and it shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or other objectionable waste.
- B. Connection To The Town Wastewater System: At such time as a connection line becomes available to a property served by an individual wastewater disposal system, in that the connection line is within four hundred feet (400') of the individual wastewater disposal system, such property owner shall cause a direct connection to be made to the connection line in compliance with the cost and charges section listed below, and any septic tanks, cesspools and similar private disposal facilities shall be abandoned and will be filled with permitted material. (Ord. 162, 9-8-2003)

**6-6-5: SERVICE:**

- A. Application: Any person desiring to connect a service line to the wastewater treatment system of the town, or to add fixtures to an existing connection, shall make application to the QMM for wastewater service. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the QMM to determine compliance with all regulations or rules concerning the wastewater system. The QMM shall endorse his approval or disapproval of the application as complying or failing to comply with all regulations or rules concerning the wastewater system of the town. Upon approval by the QMM of such application, such user receiving wastewater service shall pay therefor in accordance with the applicable rates, rules and regulations.
- B. Users Outside The Town: The policy of the town relating to the furnishing of wastewater treatment service to users located outside the boundaries of the town requires annexation to the town prior to discharge of water to the town's wastewater system at the applicant's expense. The town expressly reserves the right, as may be limited by state or federal law, to impose such conditions as it may see fit relative to furnishing such service, and may refuse such

service in its discretion. Any deviation to this policy requires approval by the board of trustees of the town.

- C. Excavations: All excavations for installation or repair of wastewater lines shall be adequately guarded with barricades and lights and meet all applicable safety standards so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the town. (Ord. 162, 9-8-2003)

**6-6-6: CONNECTION AND INSTALLATION OF SYSTEM:**

- A. Connection Required: The owner of any house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right of way in which there is now located or may in the future be located a collection line of the town, is hereby required at such owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper collection line in accordance with the provisions of this chapter within ninety (90) days after official notice to do so, provided that said collection line is within one hundred feet (100') of the property line. Under unusual circumstances such as unique topographical characteristics, the board of trustees, at its total discretion and with health department approval, may waive the connection requirement.
- B. Connection Or Disconnection; Permit: The town shall issue a permit for each connection or disconnection made to or from the wastewater treatment system of the town. Such permit will be required for all new connections, existing connections where additional fixtures are to be installed, and for disconnections. Permits for connections or disconnection shall be issued only to master plumbers. A permit application and inspection fee of seven hundred dollars (\$700.00) for existing septic systems, one thousand five hundred dollars (\$1,500.00) for new residents shall be paid to the town at the time the application is filed. Commercial applications shall be one thousand eight hundred dollars (\$1,800.00). Significant industrial fees will be determined by the board based on facility characteristics.
- C. Unauthorized Connections Prohibited: It shall be a violation of these rules and regulations for any unauthorized person to uncover, enter, insert equipment, make any connections with or openings into, use, alter, or disturb any collection line or appurtenance thereof, without

first obtaining a permit to connect from the town and such connections shall be made in compliance with building and plumbing codes, town collection system standards and other applicable rules and regulations of the town. Fines in the amount of three hundred dollars (\$300.00) to five thousand dollars (\$5,000.00) will be issued for any violation thereof.

- D. Connection To System; Inspection By Town: The applicant for the wastewater service permit shall notify the QMM when the service line is ready for inspection and connection to the collection line. The connection and testing required by the town shall be made under the supervision of the QMM. The town shall not be subjected to any liability for any deficiency or defect which is not discovered by inspection nor shall the owner or developer of such property be absolved from liability for such deficiency or defect and any resulting damage or from responsibility to correct such deficiency or defect.
- E. Collection Lines; Manner Of Extension: Collection lines to collect and intercept wastewater from and throughout areas or additions shall be extended by the owner of the premises to be served by such lines from the existing collection line to the farthest point or points upgrade of such property. If the QMM determines that extension of collection lines to the farthest point or points upgrade is not necessary for efficient expansion of the wastewater treatment system, the QMM may waive the requirement of such extension. In any event, collection lines shall be extended by the owner of the property to be served by such lines from the existing collection line to a point which permits the shortest possible service line between the collection line and the property line of the premises served thereby. Thereafter the collection lines shall be extended to adjoining property in compliance with the latest edition of the town's regulations and specifications. Extensions shall not be made for remote or isolated services unless the applicant requesting such service shall provide for the cost of such extension to the point of service and such extension is approved by the board.
- F. Wastewater Lines; Compliance With Subdivision And Other Land Use Requirements: No wastewater lines shall be laid or placed in any proposed addition or subdivision in the town until said proposed addition is platted and approved by the board in accordance with the town subdivision regulations. Further, any proposed extension of service to platted but undeveloped property within the town shall be governed by applicable town ordinance.

- G. Service Lines; Separate For Each Building; Exceptions: A separate and independent service line shall be provided for every building. However, where one building stands at the rear of another on an interior lot which cannot be subdivided, and no service line is available nor can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the service line of the front building may be extended to the rear building and the whole considered as one service. Multi-family or commercial or industrial complexes having more than one building on a single platted lot may have the individual buildings connected to a single common service line, unless and until such lot is resubdivided or the buildings otherwise become separately owned in which case independent connections shall be made. Waiver of this requirement for a separate and independent service line, may be granted by the board upon resubdivision or creation of separate ownership of individual buildings on a single lot with existing multi-family or commercial, but not industrial complexes. Such a waiver shall be granted upon showing that the service lines owned in common will be maintained by an entity of the owners of the separate buildings. By regulation, the board may provide for additional requirements to assure proper maintenance and repair of the common service lines, and, if necessary, monitoring of effluent quality or quantity. The town does not assume any obligation nor acquire any liability for damage to the connecting property or any portion thereof caused by or resulting from any such connection to the wastewater system as aforementioned. Similarly, the allowance of a single service line will not excuse each residence or user from paying the costs and rates set forth herein.
- H. Service Line; Construction To Conform To Rules And Regulations: The size, slope, alignment, and materials of construction of a service line, and the methods to be used in excavating, placing of the pipe, joining, testing and backfilling the trench, shall all conform to the requirements of applicable town building and plumbing codes as well as other applicable rules and regulations of the town pertaining to its wastewater system.
- I. Service Line; Use Of Gravity Flow: Whenever possible, the service line shall be brought from the building to an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the collection line, wastewater carried by such building drain shall be lifted by means approved by the QMM and the installation shall be made in accordance with the requirement of the town at the owner's expense, including the maintenance thereof.



(120) days for extenuating circumstances but in no event shall the time be extended beyond two (2) years from the date of the issuance of the permit.

- M. Fixture Unit Equivalents: Fixture unit equivalents shall be calculated using the following schedule and shall apply to "stubbed in" or "roughed in" fixture traps as well as those fixtures being installed:

<u>Kind Of Fixture</u>	<u>Trap Arm</u>	<u>Equivalents</u>
Bathtubs	1 1/2"	2
Bidets	1 1/2"	2
Clothes washers	1 1/2"	2
Dental unit or cuspidors	1 1/2"	1
Dishwashers (residential)	1 1/2"	2
Drinking fountains	1 1/4"	1
Floor drains	2"	
Interceptors for grease, oil, solids, etc.	2"	3
Interceptors for sand, auto wash, etc.	3"	6
Laundry tubs	1 1/2"	2
Receptors (floor sinks), indirect waste receptors for refrigerators, coffee urns, water stations, etc.	1 1/2"	3
Showers, gang (per showerhead)	2"	1
Showers, single stall	2"	2
Sinks, bar, commercial	1 1/2"	2
Sinks, bar, private	1 1/2"	1
Sinks, commercial or industrial schools, etc., including dishwashers, wash up sinks and wash fountains	1 1/2"	3
Sinks, double (residential kitchen)	1 1/2"	2
Sinks, flushing rim, clinic	3"	6
Sinks, service	2"	3
Urinals, pedestal	3"	6
Urinals, stall	2"	2



J. Service Line; Maintenance Of:

1. The owner of any premises connected to the town's wastewater treatment system shall be responsible for the maintenance of the service line and appurtenances thereto, from and including the connection to the collection line to the premises served. The owner shall keep such line in good condition and shall replace, at his expense, any portions thereof which, in the opinion of the QMM, have become so damaged or disintegrated as to be unfit for further use or permit excessive infiltration of ground water or exfiltration of wastewater. The owner must secure all required permits for construction purposes and shall be responsible for returning the public right of way and the street to acceptable town standards.

2. In the event that more than one property is connected to a single service line, the owners of the respective premises shall be jointly and severally responsible for the maintenance and repair requirements imposed by this chapter.

3. Prior to repair or alteration of the service line, a permit must be obtained from the town. A permit application fee of fifty dollars (\$50.00) shall be imposed to cover the costs of the inspection. The inspection shall assure that rules applying to the wastewater system are met. The town shall not be subjected to any liability for any deficiency in the repair or alteration of such premises, and shall be absolved from liability for such deficiency or defect and any resulting damage or from responsibility to correct such deficiency or defect.

K. Existing Lines; Conditions For Use: Old wastewater lines may be used in connection with new buildings only when they are found, on examination by the QMM, to meet all requirements of this chapter and to be compatible with the proposed use. If found unacceptable for future use, the owner shall be required to excavate the line at the point of connection to the collection line and cap the connection as required by the town standards.

L. Construction Requirements For Commencement And Completion: Construction of a building or facility to be served by a wastewater connection shall be commenced within one hundred twenty (120) days from the date of the payment of the connection charges or issuance of a permit as set forth herein, and such construction shall be pursued to completion without suspension or abandonment. Failure to comply with the above regulations may result in cancellation of the permit. The board may extend the time for completion of the building or facility beyond one hundred twenty

<u>Kind Of Fixture</u>	<u>Trap Arm</u>	<u>Equivalents</u>
Urinals, trough	1 1/2"	3
Wash basins, in sets	1 1/2"	2
Wash basins, (lavatories) single	1 1/4"	1
Water closet, flush valve type	3"	6
Water closet, tank type	3"	4

- N. Disconnection: New service lines to replace existing service lines shall not be approved by the town until old service lines are dug up and properly capped. Such cap shall be sufficiently tight to prevent the escape of wastewater gas or the infiltration of water. A disconnection fee of fifty dollars (\$50.00) shall also be charged to the owner to cover the administrative and inspection costs.
- O. Surface Runoff: No user or other person shall make a connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a collection line. (Ord. 162, 9-8-2003)

6-6-7: **COSTS AND CHARGES:**

- A. Wastewater Facilities; Allocation Of Cost: Except as otherwise provided herein, a property owner or developer shall be responsible for the costs and construction of all wastewater facilities and the appurtenances thereto in and through his property or development upon approval of the plans and specifications by the town. The town's subdivision regulations and other relevant land use regulations shall be followed when applicable. The town shall inspect and approve the actual construction of wastewater facilities, prior to connection to the town wastewater system. The construction of wastewater facilities shall include the following:

1. The town may require the owner or developer to construct a collection line larger than that required for his needs for the service of lands adjacent to his property or development, in which case the town may enter into a cost recovery agreement with the owner or developer to collect a pro rata share of the costs of such construction from the owner of the adjacent lands at the time of their connection to the system and refund such costs to the owner or developer.

2. When an owner or developer finds it necessary to construct wastewater facilities through or adjacent to nonserved or undeveloped lands, the owner or developer shall pay the entire cost of such facilities. However, the town may agree in writing with the owner or developer to collect a pro rata share of the costs from the owner of property served by such facilities at the time of connection to the wastewater system and shall refund such cost to the owner or developer.

3. In the event that pump stations and force mains are required, the cost of constructing said stations and mains shall be the responsibility of the owner of property served thereby. Where it appears that more area or lands may be served by the pump station and force mains, the town may require a larger capacity than necessary to serve the initial development. Where such larger capacity is required, the town may enter into a cost recovery agreement with the owner or developer to collect a pro rata share of the costs from adjacent lands at the time of their connection and refund such costs to the owner or developer.

4. In those instances where pump stations and force mains are required, the wastewater system shall be designed where possible so as to permit an eventual connection into a gravity system with a minimum of expense. Where practical, easements shall be provided and lines constructed to tie into the gravity system. The town may require deposits from the property owners requiring said force system, where deemed necessary, to pay for the eventual construction of gravity lines.

5. All costs incidental to or resulting from the procurement by the town of any required easement or right of way, whether obtained by dedication, contract, condemnation or otherwise, shall be borne by the owner or developer, unless this requirement is waived by the town board.

6. A property owner or developer, at the discretion of the board, may be responsible for the cost of construction of relief sewers and necessary appurtenances when the proposed flow demand exceeds existing sewer system capacity. The town may enter into a cost recovery agreement with the owner or developer should a relief sewer be required.

- B. Installation Cost: All costs and expenses incidental to the installation and connection of service lines from the collection line to the premises shall be borne by the owner of such premises. The owner

shall indemnify the town for any loss or damage to the town that may directly or indirectly be occasioned by the installation of such service line.

- C. Connection Charge: In each lot, subdivision or addition, located inside the town limits, for which a request for wastewater connection or addition to the wastewater treatment system of the town shall be made, there is and shall be a connection charge imposed against the requesting owner. Said connection charge shall consist of a permit charge and a system development charge, and may also include cost recovery agreement charges where applicable.
- D. Permit Charge: A permit charge shall be assessed for each connection to or disconnection from the wastewater treatment system of the town to defray the costs of administration and inspection. Such charge shall be assessed and collected prior to the issuance of a permit to connect or a disconnection permit. For each one-family dwelling or mobile home, the amount of the permit charge shall be twenty dollars (\$20.00). For each commercial or industrial premises and for each two-family dwelling or multiple dwelling, the amount of the permit charge shall be twenty dollars (\$20.00) for the first fifteen (15) fixture unit equivalents, and twenty dollars (\$20.00) for each additional fifteen (15) fixture unit equivalents or portions thereof.
- E. System Development Charge: A system development charge, formerly known as a tap fee, in the amount of seven hundred dollars (\$700.00) existing septic, one thousand five hundred dollars (\$1,500.00) new residence, one thousand eight hundred dollars (\$1,800.00) commercial, significant industrial fees determined by the board based on facility characteristics shall be assessed for each connection to the wastewater system of the town to partially defray the cost of capital improvement of such system. Such charge shall be collected at the time the application for wastewater service is filed and such fee shall be for each new connection into the collection line and shall be charged for all new users or connections regardless of whether the new user or connection is tapping into an existing tap or directly into the wastewater system. The system development charge may be increased at the discretion of the town board.

(see following page)

## F. Rates And Charges:

Sewer			
Code	Amount	Description	Customer Examples
1	\$ 11.50	Residential and church	
2	15.00	Commercial 1 @ 15.00 and trailer 3 @ 5	PO, Print, Kurly, Poolhall, CBSelev, stor, Legion, Senior, Golf
3	20.00	Trailer court, motels 4 @ 5.00	Trailer court on Julian
4	25.00	Trailer court, motels 5 @ 5.00	Trailer court S of 3rd Street Heger
5	30.00	Commercial 2 @ 15.00	Car, PMC, JJ, CoopStor, CBS, WSch, MM
6	45.00	Commercial 3 @ 15.00	CBSMMain, Loaf
7	45.00	Trailer court, motels 9 @ 5.00	CB Storage
8	50.00	Multiple-family 5 @ 10.00	Bronson
9	60.00	Trailer court, motels 12 @ 5.00	Parrish Care Center
10	70.00	Trailer court, motels 14 @ 5.00	Little England Motel
11	90.00	Multiple-family 9 @ 10.00	RM Ventures
12	100.00	Industrial	None at this time
13	150.00	Industrial	AFCSD20 and Ottemans for BOD
14	149.50	Residential 13 @ 11.50	Pioneer, HLS units 1 & 2 (4 each @ 11.50 = 46.00)
15	0.00	No sewer service	

- G. **Late Charges:** A late fee charge of ten percent (10%) of the balance due amount shall be assessed against any user, if the monthly charge is not paid by such user by the fifteenth day of that month's billing, as represented on the face of the billing statement, hereinafter referred to as the "due date".
- H. **Changes In Rates:** The board, may at its discretion periodically change the rate schedule to reflect the total costs to the town of the operation and maintenance of the wastewater system. Until paid, all

charges imposed by this chapter shall constitute a perpetual lien on and against the property connected to or served by the wastewater treatment system of the town. Recording of the lien shall not be a prerequisite to foreclosure thereof by the town. (Ord. 162, 9-8-2003)

**6-6-8: PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGE:**

- A. **Treatment Required:** It shall be unlawful for any person to discharge into any natural waterway or any surface drainage within the town, or in any area under the jurisdiction of the town, any wastewater unless suitable treatment of such wastewater has been provided in accordance with the provisions of these rules and regulations and applicable county, state or federal regulations.
- B. **Prohibitions:** It shall be a violation of these rules and regulations and unlawful under federal law for any person to discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment facility of the town any waste or wastewater which contains the following:
  - 1. Individual wastewater disposal system wastes, from septic tanks, cesspools, holding tanks, privy vaults, sand and grease traps or similar devices.
  - 2. Storm water drainage from ground, surface, roof headers, catch basins, unroofed area drains (e.g., commercial car washing facilities) or any other source.
  - 3. Other water including, but not limited to, underground drains, sump pump discharges, natural springs, seeps, wetlands out flows and water accumulated in excavations or any other water associated with construction.
  - 4. Inert suspended solids or other inert particulate matter such as, but not limited to, fuller's earth, lime slurries, and paint residues, resulting in wastewater with settleable solids concentration greater than fifteen (15) milliliters per liter.
  - 5. Unusual concentrations of dissolved solids, that may, alone or in conjunction with discharges from other users, cause the POTW effluent to exceed water quality criteria for the pollutant in question.

6. Oil and grease of the following concentrations, sources and nature:

a. Wastewater containing total grease and oil in excess of one hundred milligrams per liter (100 mg/l) concentration as measured by Soxhlet extraction set forth in the most recent edition of "Standard Methods For The Examination Of Water And Wastewater" or "U.S. EPA Manual Of Methods For Chemical Analysis Of Water And Wastes".

b. Wastewater containing more than twenty five milligrams per liter (25 mg/l) petroleum, as measured as hydrocarbons by Soxhlet extraction, or other approved method set out in "Standard Methods For The Examination Of Water And Wastewater". Evidence of oil or grease in wastewater shall be based upon instantaneous or "grab" samples.

7. Explosive mixtures consisting of liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment system or to the operation of the system. At no time shall two (2) successive readings on an explosive hazard meter at the point of discharge into the wastewater system be more than five percent (5%) nor may any single reading be over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides. Waste streams at the point of discharge are prohibited if they have a closed cup flashpoint of less than sixty degrees centigrade (60°C) (140°F) using test methods specified in 40 CFR part 261.21.

8. Noxious material consisting of noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into any portion of the wastewater system for its maintenance and repair.

9. Improperly shredded garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the wastewater system to which the user is connected. At all times, no particle shall be greater than one-half inch ( $\frac{1}{2}$ " ) in any direction.



10. Radioactive wastes or isotopes of such a half life or concentration that they do not meet regulations set forth by the Colorado department of health, state of Colorado, in the latest edition of "Rules And Regulations Pertaining To Radiological Control".

11. Solid, viscous, or liquid wastes which allow or may cause obstruction to the flow in a collection line or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to: grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt residues, residues from refining or processing fuel or lubrication oil and similar substances.

12. Toxic substances in amounts exceeding standards promulgated by the administrator of the United States environment protection agency pursuant to section 307(a) of the act, and chemical elements or compounds, phenols or other taste or odor producing substances, or any other substances, including metals which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system or which will be transmitted through the stem to receiving water, as may be measured by failure of a biomonitoring toxicity test.

13. Substances which are not amenable to treatment of prescribed reduction by the treatment process employed by the wastewater department, or are amenable to such a limited degree of reduction that a discharge of such wastewater would result in an interference with the wastewater treatment works or pass through the treatment facilities such that the effluent discharge from the treatment works does not meet requirements of state, federal and other agencies having jurisdiction over discharge or application to receiving waters and/or lands.

14. Waste with color not removable by the treatment process.

15. Corrosive wastes which will cause corrosion, deterioration or interference of the wastewater system.

16. All wastewater discharged into the wastewater system must have an instantaneous pH value in the range of five and one-half (5.5) to ten (10) standard units.



a. A more stringent range of acceptable wastewater effluent pH identified in applicable national categorical pretreatment standards shall supersede the range noted herein.

b. Where a continuous pH recording monitor has been installed by the user and approved by the QMM, pH compliance with these applicable sections may also be determined by records inspection indicating effluent pH within the applicable range for a period exceeding ninety percent (90%) of the user's operating day.

17. Spent process chemicals, solutions or materials, hazardous waste as defined by the federal resource conservation and recovery act, and other materials normally used in industrial/commercial operations unless specifically authorized in writing by the QMM and after suitable treatment as approved by the QMM has been effected.

18. Hospitals, clinics, offices of medical doctors, and convalescent homes shall not dispose of laboratory pathological wastes, surgical operating room wastes or delivery room wastes by discharge through or to the wastewater system.

19. Biocides as determined by the QMM in concentrations exceeding 0.02 milligrams per liter unless approved in writing by the QMM.

20. Any pollutant, including oxygen demanding pollutants or slug concentrations (e.g., BOD) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

21. Heat in amounts which will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty degrees centigrade (40°C) (105°F).

22. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

23. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

C. Limitations: It shall be unlawful for any person to discharge or deposit or cause or allow to be discharged or deposited into the wastewater facilities of the town, any waste or wastewater which fails to comply with the limitations imposed by this chapter.

- D. Point Of Discharge; Limitations: It shall be unlawful for any person to discharge any substance directly into a manhole or other opening in the wastewater treatment system other than through an approved service line. Liquid wastes, from chemical toilets, and trailers, campers or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the wastewater system.
- E. Disposal; Limitations: It shall be unlawful for any person to dispose of wastes into the wastewater system where such wastes have been collected and/or held in a tank or other container and where such wastes fail to comply with any limitation set out in this chapter. (Ord. 162, 9-8-2003)

**6-6-9: AUTHORITY OF INSPECTORS:**

- A. The QMM and other duly authorized employees or agents of the town bearing proper credentials and identification shall be permitted, upon giving reasonable notice to the owner thereof, to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this code. The QMM and other duly authorized employees, or agents of the town, shall confine their inspection, observation, measurement, sampling, and testing to those matters which have a direct or indirect impact or consequence to the town wastewater system or to the waterways of this state.
- B. The QMM and other duly authorized employees or agents of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater system lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 162, 9-8-2003)

**6-6-10: VIOLATIONS AND PENALTIES:**

- A. Notice Of Violation: Any person found to be in violation of any provision of this chapter shall be served by the town with written notice stating the nature of the violation and providing a reasonable

time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

- B. Penalties: Any person who shall continue any violation beyond the time limits provided for in the notice referred to above shall receive a summons and complaint into Flagler municipal court and if convicted thereof shall be fined in an amount as provided by this code or ordinance, as determined by the municipal court judge. Further, any person violating any of the provisions of this chapter shall be responsible for the expense, loss or damage incurred by the town because of such violation, which expense, loss, or damage shall be assessed to the violator along with the penalty referred to above. (Ord. 162, 9-8-2003)

## ORDINANCE NO. 198

AN ORDINANCE BY THE BOARD OF TRUSTEES OF THE TOWN OF FLAGLER, KIT CARSON COUNTY, COLORADO, TO **REPEAL TOWN ORDINANCES NUMBER 22 AND ORDINANCE NUMBER 98**, ANY AND ALL RESOLUTIONS CONCERNING WATER RATE STRUCTURES.

**Whereas**, the Town of Flagler, (hereinafter referred to as the "Town"), in the County of Kit Carson and the State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

**Whereas**, the board of Trustees of the Town of Flagler hereinafter referred to as the "Board" has previously adopted Ordinance No. 22 and Ordinance No. 98; and

**Whereas**, Colorado Revised Statute 31-35-617, gives to the governing body of each municipality/district all authority, power, and discretion to certify delinquent sewer charges to property to be collected in the manner as though they were part of the taxes, further Colorado Revised Statute 31-15-302 gives to the governing body of each municipality all authority, power, and discretion to certify delinquent water charges for collection by lien upon the respective lots, or parcels of land from the time of the assessment; and

**Whereas**, Colorado Revised Statute 31-35-402, gives to the governing body of each municipality/district powers to collect reasonable penalties for any delinquencies, including interest from any date due at a rate of not exceeding one percent per month, or fraction thereof, reasonable attorneys' fees, and other costs of collection without any modification, supervision, or regulation of any such rates; and

**Whereas**, the Board has determined the following billing rates and procedures for billing water sewer and trash, as agreed upon, by the Flagler Sanitation District billing contract attached;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FLAGLER, COLORADO:**

### Section 1. General Provisions

#### **Administration**

The Town Manager shall be responsible for the management of the Town's water supply system, and the Town Clerk shall be responsible for the issuance/collection of service applications, and for the billing and collection of all fees and charges for such service, all in accordance with the direction of the Board of Trustees of the Town.

#### **Inspection**

Whenever, in the judgment of the Town Manager, it is deemed necessary, he may inspect the premises of any water user for the purpose of determining the condition of pipes, meters and other fixtures with a view to detecting and eliminating violations of this ordinance.

### Section 2. Billing for Services of Water, Sewer and Trash

#### **Billing Procedures**

All new accounts whereby new water and sewer taps are newly installed, Town Clerk must receive payment in full for water and sewer tap fees and associated fees, prior to water being turned on. Approved Building Permit shall accompany application for service, for filing.

Water meters shall be read monthly for all businesses and rental properties and from March through October for all other residential properties as closely to the end of the month as possible, and mailed out as soon as administratively possible thereafter. Accounts which have requested meters to be read during the winter months shall be read accordingly. Bills for Water, Sewer and Trash will be due and payable upon receipt, with a maximum of 10 percent late charge added on the 20th of the month if account has not been paid. If account is not paid by the end of the month, water service will be discontinued, until full payment is received on the account, plus connection fee. Should an account become delinquent and deemed uncollectable by the Town Clerk, a tax lien on the property pursuant CRS 31-35-617, and CRS 31-15-302, or by small claims court, at the guidance of Town Board.



### Section 3. Price Structure for Water, Sewer and Trash Service and Fees

#### **Water, Sewer and Trash Service and Fee Charges**

The following rates shall be charged by the Town to property owners as follows:

<b>Water Tap Fees</b>	<b>Cost of Materials + \$200.00</b>
<b>Sewer Tap Fee As Per Sanitation Minutes:</b>	\$1,500.00
Connection and Re-connection Fee	\$25.00
<b>Water – Monthly Rates</b>	
Flagler Residents & Businesses	22.00 per first 2000 gallons
Flagler Residents	2.10 per each 1000 gallons after first 2000
Flagler Non-Residents	35.00 per first 2000 gallons
Flagler Non-Residents	3.50 per each 1000 gallons after first 2000
<b>Sewer – Monthly Rates</b>	
Residential Accounts and Churches	14.30
Commercial and Trailer Cts	16.50
Trailer Cts & Motels	22.00
Trailer Cts & Motels 5 @ 5.00	27.50
Commercial 2	33.00
Commercial 3	49.50
Trailer Ct and Motels	66.00
Multiple Family	50.00
Trailer Cts & Motels & (Care Center)	60.00
Trailer Cts & Motels	77.00
Multiple Family	75.90
Industrial	528.00
Industrial	164.50
School Apartments	77.50
<b>Trash – Monthly Rates</b>	
Flagler Residents	21.00
Flagler Non-Residents in Kit Carson County (2 Yard)	22.00
Flagler Non-Residents in Kit Carson County (3 Yard)	33.00
Flagler Non-Residents Outside KC County (2 Yard)	27.75
Flagler Non-Residents Outside KC County (3 Yard)	38.75
Flagler Businesses Low Volume (weekly pickup)	27.00
Flagler Businesses Medium Volume	39.25
Flagler Businesses High Volume	52.85
Flagler School & Apartments (Volume related)	61.25
CDOT Seibert and Burlington	41.50
CDOT Rest Area (Volume related)	399.30
Construction Dumpster Delivery	100.00
Construction Dumpster Empty	200.00

### Section 5. Metering of Water; Service Lines

#### **Metering of Water**

All water sold by the Town shall be metered by meters which may be installed either in a curb box or inside the building, at the option of the Town Manager. All water meters shall be owned and kept in repair by the town.

#### **Service Lines**

No more than one building shall be permitted to use a water service line. All service lines shall be constructed in accordance with Town standards. No line shall be bedded or back filled until inspected by the Town Manager. The tap on the Town water main shall be made with an approved watertight saddle by a plumber

approved by the Town. No bleeding of the water lines is permitted. Maintenance of water service lines shall be the responsibility of individual customers, not the Town, and all service lines shall be installed at a depth at least four and one half feet below the surface of the ground. Each service line shall contain a stop and waste cock where the water may be turned off.

Section 6. Use of Water: Regulations

**Waste of Water Prohibited.**

Water users shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. In addition to the penalty provided herein for violation of this ordinance, the water supply may be turned off where any such waste occurs.

**Fire Alarm or Other Emergency**

All regulations contained in this ordinance shall be considered a part of a contract of every user of water supplied by the Town, and every such user shall be considered as having expressly consented to be bound thereby.

Section 7. Penalty

Any person convicted of violating the rules and regulation enacted by this ordinance shall, upon such conviction be punished by a fine of not to exceed \$500.00 for each violation.

Section 8. Repeal of Conflicting Ordinances.

Ordinance Numbers 22 and 98, and any other ordinance and regulation adopted by the Town of Flagler in conflict with this ordinance are hereby repealed.

Section 9. Update of Water, Sewer, and Trash Rates

The Town of Flagler through the Town Trustees may update water, sewer, trash and other service rates in this ordinance by adopting a resolution.

Section 9. Effective Date

This ordinance shall take effect from and after its passage and publication as provided by the laws of the State of Colorado.

**Adopted and Approved** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Signed:

\_\_\_\_\_  
Mayor

( S E A L )

Attest:

1<sup>st</sup> Notice of Reading- Published in The Flagler News \_\_\_\_\_, 2022

2<sup>nd</sup> Notice of Hearing - Published in The Flagler News \_\_\_\_\_, 2022

Ordinance Published in The Flagler News \_\_\_\_\_ 2022

\_\_\_\_\_  
Town Clerk



**RESOLUTION No. TOF RES- 133**

**October 11, 2021**

**CHANGE IN TOWN BILLING PROCEDURES AND COLLECTION PROCESS**

**THE BOARD OF TRUSTEES OF THE TOWN OF FLAGLER, KIT CARSON COUNTY, COLORADO, DO HEREBY RESOLVE TO ADOPT THE BILLING AND COLLECTION PROCEDURES FOR TOWN OF FLAGLER ACCOUNTS INCLUDING WATER, SEWER, TRASH and MISC FOR RESIDENTS INSIDE AND OUTSIDE THE INCORPORATED LIMITS OF THE TOWN OF FLAGLER BEGINNING OCTOBER 15, 2021.**

WHEREAS, the Town of Flagler, (hereinafter referred to as the "Town"), in the County of Kit Carson and the State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

WHEREAS, the Town provides for the community water, sewer, and trash service and

WHEREAS, the Town has determined that billing and collection procedures need to be updated, and

WHEREAS, the Town needs to incorporate a formalized collection process for balances due to the Town.

NOW THEREFORE BE IT RESOLVED by the Town Council of Flagler, Colorado:

THAT THE FOLLOWING PROCEDURES BE IMPLEMENTED:

- 1, Water bills will be mailed the first week of each month for service in arrears in accordance to rates approved by resolution of Town Council.
2. Water bills will be due monthly no later than the 20<sup>th</sup> of each month.
3. Balances not paid by the 20<sup>th</sup> will incur a late charge of 10%
4. Past Due notices will be sent out before the end of the month
5. Account balances not paid by the 1<sup>st</sup> of the month following will receive a notice for disconnection giving a 7 day notice on payment due and that if payment is not made in full or payment of 50% of the account balance with payment arrangements for the remaining agreed to by the Town Manager have not been made within these 7 days, then service will be disconnected.
6. In addition, in the event of a delinquency, all amounts due shall become a lien against such property, lot, block, or parcel of land associated with and benefitting from said services, and said lien shall have priority over all liens or encumbrances



except for general taxes, prior special assessments, or otherwise as provided by applicable law. Each amount due pursuant to any such delinquency, plus ten (10) percent added to defray the administrative cost of collection and any actual cost to file and remove a lien, may be certified by the Town of Flagler Clerk to the Kit Carson County Treasurer and placed upon the tax list for the current year, and thereby collected in the same manner as real property taxes are customarily collected. The recovery of amounts due pursuant to the use of these lien provisions shall be supplementary and in addition to any other collection procedures or remedies as otherwise provided for or available by law, in equity, or pursuant to the Town of Flagler Code or Ordinances. In addition, the foregoing provisions shall be deemed a part of and included in any contract entered into between the Town of Flagler or its subdivisions and any customer accepting or benefitting from services provided by the Town of Flagler, and all such customers shall be deemed to have agreed and expressly consented to be bound by said provisions

7. Water bills may be changed to the name of the tenant living at the property. The owner may still receive a copy of the tenant bill and any past due notices as necessary. The owner only or his legally authorized agent shall be held responsible for water service charges, regardless of tenant billing or delivery of bill to the tenant of the property.

8. Balances owed to the Town will also be subject to collection procedures and may be turned over to the Town's collection attorney in the attempt to collect the debt.

ADOPTED THIS 13<sup>th</sup> day June 2022  
13th day of October, 2021

Signed

Thomas E. Bredehoff  
Thomas E. Bredehoff, Mayor

ATTEST:

[Signature]  
Town Clerk



**RESOLUTION No. TOF RES- 153  
JANUARY 1, 2025**

CHANGE MINIMUM WATER RATES FROM \$22.00 TO \$27.00 EFFECTIVE JANUARY 1, 2025

CHANGE SEWER RATE FROM \$15.73 TO 20.73 EFFECTIVE JANUARY 1, 2025

INCREASE TRASH RATE BY 8% EFFECTIVE JANUARY 1, 2025

CHANGE MINIMUM WATER RATES FROM \$27.00 TO \$32.00 EFFECTIVE JUNE 1, 2025

CHANGE SEWER RATE FROM \$20.73 TO 25.73 EFFECTIVE JUNE 1, 2025

CHANGE MINIMUM WATER RATES FROM \$32.00 TO \$37.00 EFFECTIVE JANUARY 1, 2026

CHANGE SEWER RATE FROM \$25.73 TO 29.73 EFFECTIVE JANUARY 1, 2026

**THE BOARD OF TRUSTEES OF THE TOWN OF FLAGLER, KIT CARSON COUNTY, COLORADO, DO HEREBY RESOLVE TO CHANGE THE MINIMUM RATES FOR WATER, SEWER RATES AND TRASH RATES FOR RESIDENTS INSIDE AND OUTSIDE THE INCORPORATED LIMITS OF THE TOWN OF FLAGLER BEGINNING JANUARY 1, 2025.**

WHEREAS, the Town of Flagler, (hereinafter referred to as the "Town"), in the County of Kit Carson and the State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

WHEREAS, the Town provides for the community, water, sewer and trash service, and

WHEREAS, the Town operates the water, sewer and trash service as an Enterprise Fund, and

WHEREAS, the Town has determined that the relationship between the cost of providing the services and receipts for sale of service is disproportionate, and

WHEREAS, as being an enterprise, it is determined that the rates should be increased to offset the imbalance, and

WHEREAS, an increase in water rates has not been imposed on users since, May 01, 2016; and

WHEREAS, an increase in sewer rates has not been imposed on users since, December 1, 2023, and

WHEREAS, an increase in trash rates has not been imposed on users since, December 01, 2023.

NOW THEREFORE BE IT RESOLVED by the Town Council of Flagler, Colorado:

THAT THE FOLLOWING MINIMUM RATES FOR WATER SERVICE FROM JANUARY 1, 2025 THROUGH MAY 31, 2025 BE:

Inside Incorporated Town Limits **from \$15.73** first 3000 gallons **to \$27.00**  
\$3.25 for each additional 1000 gallons through May 31, 2025.

Outside Incorporated Town Limits **from \$35.00** first 3000 gallons **to \$40.00**  
\$3.75 for each additional 1000 gallons through May 31, 2025.

and

THAT THE FOLLOWING MINIMUM RATES FOR WATER SERVICE FROM JUNE 1, 2025 THROUGH DECEMBER 31, 2025 BE:

Inside Incorporated Town Limits **from \$27.00** first 3000 gallons **to \$32.00**  
\$3.25 for each additional 1000 gallons through December 31, 2025.

Outside Incorporated Town Limits **from \$40.00** first 3000 gallons **to \$45.00**  
\$3.75 for each additional 1000 gallons through December 31, 2025.



and

THAT THE FOLLOWING MINIMUM RATES FOR WATER SERVICE FROM January 1, 2026 BE:

Inside Incorporated Town Limits from **\$32.00** first 3000 gallons to **\$37.00**

\$3.25 for each additional 1000 gallons.

Outside Incorporated Town Limits from **\$45.00** first 3000 gallons to **\$50.00**

\$3.75 for each additional 1000 gallons.

and

THAT THE FOLLOWING SEWER RATES FOR SERVICE FROM JANUARY 1, 2025 THROUGH MAY 31, 2025 BE:

Inside Incorporated Town Limits from **\$15.73 to \$20.73**

and

THAT THE FOLLOWING SEWER RATES FOR SERVICE FROM JUNE 1, 2025 THROUGH DECEMBER 31, 2025 BE:

Inside Incorporated Town Limits from **\$20.73 to \$25.73**

and

THAT THE FOLLOWING SEWER RATES FOR SERVICE FROM JANUARY 1, 2026 BE:

Inside Incorporated Town Limits from **\$25.73 to \$29.73**

And

THAT THE FOLLOWING TRASH RATES FOR SERVICE FROM JANUARY 1, 2025

Inside Incorporated Town Limits from **\$22.05 to \$23.81**

Outside Incorporated Town Limits an **increase of 8%**

ADOPTED THIS 14<sup>th</sup> day of April, 2025

Signed

Randy Fagerlund

Randy Fagerlund, Mayor

ATTEST:

Kendra Eberle

Kendra Eberle, Town Clerk



**RESOLUTION No. TOF RES- 154**  
**May 23, 2025**

Increase Trash Service fee 35% for Rate Schedule TRA07 Out of Town in Kit Carson County 2 Yard  
Increase Trash Service fee 35% for Rate Schedule TRA08 Out of Town in Kit Carson County 3 Yard  
Increase Trash Service fee 35% for Rate Schedule TRA09 Out of Town in Kit Carson County 2 & 3 Yard  
Increase Trash Service fee 35% for Rate Schedule TRA12 Out of Town in Kit Carson County 6 Yard  
Increase Trash Service fee 35% for Rate Schedule TRA13 Out of Town Out of Kit Carson County 2 Yard  
Increase Trash Service fee 35% for Rate Schedule TRA14 Out of Town Out of Kit Carson County 3 Yard  
Increase Trash Service fee 50% for Rate Schedule TRA06 CDOT Arriba Rest Area  
Increase Trash Service fee 50% for Rate Schedule TRA10 Out of Town in Kit Carson County 6 Yard  
Increase Trash Service fee 50% for Rate Schedule TRA11 Out of Town in Kit Carson County 4 Yard  
Increase Trash Service fee 50% for Rate Schedule TRA18 CDOT Seibert & Burlington  
Increase Trash Service fee 50% for Rate Schedule TRA 23 Out of Town out of Kit Carson County 4 Yard

**THE BOARD OF TRUSTEES OF THE TOWN OF FLAGLER, KIT CARSON COUNTY, COLORADO, DO HEREBY RESOLVE TO INCREASE THE TRASH RATES FOR TRASH SERVICE OUTSIDE THE INCORPORATED LIMITS OF THE TOWN OF FLAGLER BEGINNING JULY 1, 2025.**

WHEREAS, the Town of Flagler, (hereinafter referred to as the "Town"), in the County of Kit Carson and the State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

WHEREAS, the Town operates the trash service as an Enterprise Fund, and

WHEREAS, the Town has determined that the relationship between the cost of providing the Trash Service Outside Incorporated Town Limits and receipts for sale of service is disproportionate, and

WHEREAS, as being an enterprise, it is determined that the rates should be increased to offset the imbalance, and

WHEREAS, the Town determined that the 8% increase on January 1, 2025, of Outside Incorporated Town Limits Trash Service Rates and the relationship between the cost of providing the services and receipts for sale of service continued to be disproportionate.

NOW THEREFORE BE IT RESOLVED by the Town Council of Flagler, Colorado:  
THAT THE FOLLOWING TRASH SERVICE RATES FOR TRASH SERVICE FROM JULY 1, 2025, BE:

Increased 35% for Rate Schedule TRA07 Out of Town in Kit Carson County 2 Yard  
Increased 35% for Rate Schedule TRA08 Out of Town in Kit Carson County 3 Yard  
Increased 35% for Rate Schedule TRA09 Out of Town in Kit Carson County 2 & 3 Yard  
Increased 35% for Rate Schedule TRA12 Out of Town in Kit Carson County 6 Yard  
Increased 35% for Rate Schedule TRA13 Out of Town Out of Kit Carson County 2 Yard  
Increased 35% for Rate Schedule TRA14 Out of Town Out of Kit Carson County 3 Yard  
Increased 50% for Rate Schedule TRA06 CDOT Arriba Rest Area  
Increased 50% for Rate Schedule TRA10 Out of Town in Kit Carson County 6 Yard  
Increased 50% for Rate Schedule TRA11 Out of Town in Kit Carson County 4 Yard  
Increased 50% for Rate Schedule TRA18 CDOT Seibert & Burlington  
Increased 50% for Rate Schedule TRA 23 Out of Town out of Kit Carson County 4 Yard

ADOPTED THIS 9 day of June, 2025

Signed Randy C. Fagerlund  
Randy Fagerlund, Mayor

ATTEST: Kendra A. Eberle  
Kendra Eberle, Town Clerk

