

**ORDINANCE NO. 2016-044**

**AN ORDINANCE AMENDING TITLES 2, 3, 13, 17 and 18 OF THE CASTLE ROCK MUNICIPAL CODE CHANGING THE NAME OF THE UTILITIES DEPARTMENT TO CASTLE ROCK WATER AND THE TITLE OF DIRECTOR OF UTILITIES TO DIRECTOR OF CASTLE ROCK WATER**

**WHEREAS**, the Town of Castle Rock's Utilities Department (known in the community as Castle Rock Water), is responsible for providing the Town's water (including water well development and extraction, water treatment, water transportation and delivery systems and for the repair and maintenance of such facilities), managing Town's wastewater (collection and treatment) and providing stormwater services (including design, construction, management, operations, and maintenance of utility facilities including detention ponds, drainage ways, and drainage/grading activities performed during land development services); and

**WHEREAS**, the Utilities Department is also responsible for managing the Town's portfolio of water resources for residents and businesses (including analysis and measurement of the long-term water needs of the Town and conservation promotion and the development of renewable water supplies and infrastructure); and

**WHEREAS**, the Utilities Department also provides oversight and maintenance of infrastructure upgrades, water conservation and expansions, and associated activities such as system planning, engineering, and administration; and

**WHEREAS**, the term "utilities" has a serviceable connotation, tending to create an association with images of pipes, and other infrastructure, but falling short of the holistic identity of a "water community" that the Town is working to develop; and

**WHEREAS**, the term "utilities" might be confusing to customers who believe the term includes electric, gas, telecommunications and trash service; and

**WHEREAS**, there may also be some confusion regarding what the Utilities Department is, what its responsibilities are, and what it is doing to address water challenges; and

**WHEREAS**, the Utilities Department seeks to better connect with its customers and to be more readily identified with "water"; and

**WHEREAS**, the reference to the use of the term "water" tends to focus awareness on water, water issues, and water customers; and

**WHEREAS**, it is believed that changing the name from the Utilities Department, to Castle Rock Water will better assist residents of Castle Rock in identifying Castle Rock Water with services centering on water and water related issues; and

**WHEREAS**, it is the belief that the name change to Castle Rock Water will better facilitate educating the public, and promoting the concept of a water community and the Town's water provider.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:**

**Section 1.     Amendment.** Title 2 of the Castle Rock Municipal Code is amended as follows:

A.     The definition of *Official body* as set forth in Section 2.05.010 is amended to read as follows:

*Official body* means the Town Council, and any boards, commissions or committees existing or hereafter created by and appointed by the Town Council, including, but not limited to the Planning Commission, Board of Adjustment, Public Safety Commission, Public Works Commission and Castle Rock Water Commission.

B.     Subparagraph A of Section 2.14.010 is amended in its entirety to read as follows:

A.     All boards and commissions of the Town of Castle Rock (including, but not limited to, Planning Commission, Liquor Licensing Authority, Historic Preservation Board, Board of Adjustments, Board of Building Appeals, Election Commission, Public Safety Commission, Castle Rock Water Commission, Public Works Commission, Parks and Recreation Commission, Public Art Commission Design Review Board) shall serve at the pleasure of the Town Council.

**Section 2.     Amendment.** Title 4 of the Castle Rock Municipal Code is amended as follows:

A.     Section 4.02.110 is amended in its entirety to read as follows:

**4.02.110       Permit—Standards for issuance.**

A District permit shall be issued by the Director of Castle Rock Water when the Town Council finds that the applicant has sustained the burden of proof that the proposed activity does not present or create a foreseeable danger of pollution to Town waterworks from a point of diversion of water by the Town and continuing for five (5) miles upstream in the drainage basin beyond such point of diversion. The permit may also be issued subject to certain conditions deemed reasonable by the Town Council as described in this Chapter.

B.     Section 4.03.040 is amended in its entirety to read as follows:

**4.03.040       Responsibility for administration.**

Castle Rock Water shall administer, implement and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon Castle Rock Water may be delegated in writing by the Director of Castle Rock Water to persons or entities acting in the beneficial interest of or in the employ of the Town.

C. Subparagraph B of Section 4.03.080 is amended in its entirety to read as follows:

B. Prohibition of illicit connections.

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. A person is considered to be in violation of this Chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

4. Improper connections in violation of this Chapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system, or the sanitary sewer system upon approval of Castle Rock Water.

5. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from Castle Rock Water requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to Castle Rock Water.

D. Section 4.03.100 is amended in its entirety to read as follows:

**4.03.100 Industrial or construction activity discharges.**

A. Any person subject to an industrial or construction activity NPDES/CDPS stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to Castle Rock Water prior to the allowing of discharges to the MS4.

B. The operator of a facility, including construction sites, required to have an NPDES/CDPS permit to discharge stormwater associated with industrial activity shall submit a copy of the NOI to Castle Rock Water at the same time the operator submits the original NOI to the EPA, as applicable.

C. The copy of the NOI may be delivered to Castle Rock Water either in person or by mailing to:

Notice of Intent to Discharge Stormwater  
Castle Rock Water  
175 Kellogg Court  
Castle Rock, CO 80109

D. A person commits an offense if the person operates a facility that is discharging stormwater associated with industrial activity without having submitted a copy of the NOI to do so to Castle Rock Water.

E. Section 4.03.110 is amended in its entirety to read as follows:

**4.03.110 - Compliance monitoring.**

A. Right of entry: inspection and sampling. Castle Rock Water shall be permitted to enter and inspect facilities subject to regulation under this Chapter as often as necessary to determine compliance with this Chapter.

1. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of Castle Rock Water.

2. Facility operators shall allow Castle Rock Water ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES/CDPS permit to discharge stormwater and the performance of any additional duties as defined by state and federal law.

3. Castle Rock Water shall have the right to set up on any permitted facility such devices as are necessary in the opinion of Castle Rock Water to conduct monitoring and/or sampling of the facility's stormwater discharge.

4. Castle Rock Water has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of Castle Rock Water and shall not be replaced. The costs of clearing such access shall be borne by the operator.

6. Unreasonable delays in allowing Castle Rock Water access to a permitted facility is a violation of a stormwater discharge permit and of this Chapter. A person who is the operator of a facility with an NPDES/CDPS permit to discharge stormwater associated with industrial activity commits an offense if the person denies Castle Rock Water reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Chapter.

B. Search warrants. If Castle Rock Water has been refused access to any part of the premises from which stormwater is discharged, and Castle Rock Water is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Chapter or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then Castle Rock Water may seek issuance of a search warrant from any court of competent jurisdiction.

F. Section 4.03.120 is amended in its entirety to read as follows:

**4.03.120 Best management practices.**

Castle Rock Water will adopt requirements identifying BMPs for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system or waters of the United States. The owner or operator of such activity, operation or facility shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premise that is, or may

be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES/CDPS permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this Section. These BMPs shall be part of a stormwater management plan (SWMP) as necessary for compliance with requirements of the NPDES/CDPS permit.

- G. Section 4.03.130 is amended in its entirety to read as follows:

**4.03.130 - Notification of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system or water of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify Castle Rock Water no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to Castle Rock Water within ten (10) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

- H. 4.03.140 is amended in its entirety to read as follows:

**4.03.140 - Violations, enforcement and penalties.**

A. Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. Any person who has violated or continues to violate the provisions of this Chapter, may be subject to the enforcement actions outlined in this Section or may be restrained by injunction or otherwise abated in a manner provided by law. In the event that the violation constitutes an immediate danger to public health or public safety, Castle Rock Water is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to

abate the violation and/or restore the property. Castle Rock Water is authorized to seek costs of the abatements as outlined in Section 4.03.170 of this Chapter.

B. Warning notice. When Castle Rock Water finds that any person has violated, or continues to violate, any provision of this Chapter or any order issued hereunder, Castle Rock Water may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this Subsection shall limit the authority of Castle Rock Water to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.

C. Notice of violation.

1. Whenever Castle Rock Water finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, Castle Rock Water may order compliance by written notice of violation to the responsible person.

2. The notice of violation shall contain:

- a. The name and address of the alleged violator;
- b. The address, when available, or a description of the building, structure or land upon which the violation is occurring or has occurred;
- c. A statement specifying the name of the violation;
- d. A description of the remedial measures necessary to restore compliance with this Chapter and a time schedule for the completion of such remedial action;
- e. A statement of the penalty or penalties that shall or may be assessed against the person whom the notice of violation is directed;
- f. A statement that the determination of violation may be appealed to Castle Rock Water by filing a written notice of appeal within fifteen (15) days of service of notice of violation; and
- g. A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

3. Such notice may require without limitation:
  - a. The performance of monitoring, analyses and reporting;
  - b. The elimination of illicit connections or discharges;
  - c. That violating discharges, practices or operations shall cease and desist;
  - d. The abatement or remediation of stormwater pollution or contamination hazard and the restoration of any affected property;
  - e. Payment of a fine to cover administrative and remediation costs; and
  - f. The implementation of source control or treatment BMPs.

D. Compensatory action. In lieu of enforcement proceedings, penalties and remedies authorized by this Chapter, Castle Rock Water may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

E. Suspension of MS4 access.

1. Emergency cease and desist orders. When Castle Rock Water finds that any person has violated or continues to violate any provision of this Chapter or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violations have caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, Castle Rock Water may issue an order to the violator directing him or her immediately to cease and desist all such violations and directing the violator to:

- a. Immediately comply with all Chapter requirements; and
- b. Take such appropriate preventative action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to him or her under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, Castle



Rock Water may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection or other municipal utility services. Castle Rock Water may allow the person to recommence the discharge when the person has demonstrated to the satisfaction of Castle Rock Water that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this Chapter. A person who is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to Castle Rock Water within thirty (30) days of receipt of an emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

2. Suspension due to illicit discharges in emergency situations. Castle Rock Water may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, to the MS4 or to the waters of the United States. If the violator fails to comply with a suspension or order issued in an emergency, Castle Rock Water may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

3. Suspension due to the detection of illicit discharge.

a. Any person discharging to the MS4 in violation of this Chapter may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. Castle Rock Water will notify a violator of the proposed termination of its MS4 access. The violator may petition Castle Rock Water for a reconsideration and hearing.

b. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section without the prior approval of Castle Rock Water.

F. Civil penalties. In the event that the alleged violator fails to take the remedial measures set forth in the notice of violation, or otherwise fails to cure the violations described therein within thirty (30) days or such greater period as Castle Rock Water shall deem appropriate, after Castle Rock Water has taken one (1) or more of the actions described above, Castle Rock Water

may impose a penalty not to exceed one thousand dollars (\$1,000.00) for each day the violation remains unremedied after receipt of the notice of violation.

G. Criminal prosecution. Any person who has violated or continues to violate this Chapter shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of one thousand dollars (\$1,000.00) per violation per day and/or imprisonment for a period of time not to exceed one (1) year. Each act of violation and each day upon which any violation occurs shall constitute a separate offense.

- I. Section 4.03.150 is amended in its entirety to read as follows:

**4.03.150 - Appeal of notice of violation.**

Any person receiving a notice of violation may appeal the determination of Castle Rock Water. The notice of appeal must be received within fifteen (15) days from the date of the notice of violation. A hearing on the appeal before the appropriate authority or his or her designee shall take place within forty-five (45) days from the date or receipt of the notice of appeal. The decision of the municipal authority or his or her designee shall be final.

- J. Section 4.03.160 is amended in its entirety to read as follows:

**4.03.160 - Enforcement measures after appeal.**

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within fifteen (15) days of the decision of the municipal authority upholding the decision of Castle Rock Water, then representatives of Castle Rock Water shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

- K. Section 4.03.190 is amended in its entirety to read as follows:

**4.03.190 - Remedies not exclusive.**

A. The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of Castle Rock Water to seek cumulative remedies.

B. Castle Rock Water may recover all attorney's fees, court costs and other expenses associated with enforcement of this Chapter, including sampling and monitoring expenses.

L. Section 4.04.080 is amended in its entirety to read as follows:

**4.04.080 - Manner of compliance.**

Land use approvals of every nature are dependent and conditioned upon the dedication of groundwater rights in the quantity prescribed by this section, after accounting for all applicable conditions, restrictions and qualifications on the acceptance and quantification of groundwater rights under this Code. The gross water production required to support the Town's service commitment shall be calculated at 0.55 AF per single-family equivalent (SFE) assignment made under Subsection 13.12.080A. Provided that for the purpose of calculating water rights dedication requirements under Section 4.04.080 only, the SFE assignment for calculated water demand under Section 13.12.080 shall not be limited to the .67 SFE minimum assignment prescribed in Section 13.12.080. Consequently, an SFE assignment of less than .67 SFE may be utilized under Section 4.04.080, if otherwise qualifying under the applicable water efficiency plan, and established criteria adopted by Castle Rock Water. For each AF of water demand so calculated, there shall be dedicated:

A. Two AF of groundwater rights qualifying for credit under Section 4.04.050 or, if all such qualifying groundwater rights are insufficient, then at the election of the Town (subject to prior Town contractual commitments), either:

1. Two AF of Denver Basin groundwater underlying other properties within the municipal boundaries of the Town; or
2. Five thousand dollars for residential uses and \$3,000.00 for nonresidential uses.

B. At the sole discretion of the Town Council, the rights to the Denver or Arapahoe aquifers underlying properties outside the municipal limits may be accepted for credit against the calculated water demand at a rate determined by Town Council.

M. Subparagraph B of Section 4.04.150 is amended in its entirety to read as follows:

B. Irrespective of the SFE assignment under subsection A, connections within an area governed by a water efficiency plan shall be assigned an SFE by applying the engineering criteria adopted by Castle Rock Water to the specific water saving measures mandated by the water efficiency plan with 0.67 SFE being the lowest available assignment under this section.

**Section 3.     Amendment.** Title 13 of the Castle Rock Municipal Code is amended as follows:

A.     Section 13.06.030 is amended in its entirety to read as follows:

**13.06.030 - Certified technician registration.**

A.     Certified technician. Cross-connection control technicians shall possess a valid certification from an agency approved by the Colorado Department of Public Health and Environment.

B.     Registration required. No person shall perform testing, repair or maintenance of backflow prevention assemblies in the Town unless such person is a certified technician and has first applied for, paid the associated fee, registered with Castle Rock Water and attended a Town Cross-Connection Control education seminar. Certified technicians shall maintain a current and valid registration while performing any work governed by this Chapter.

C.     Registration expiration and renewal. Certified technician registration shall expire one (1) year from date of issue. Registered certified cross-connection control technicians shall provide the Town all registration application documentation, including registration application, technician certification and testing equipment information and calibration certificate.

D.     Test equipment accuracy verification. Testing equipment that is used in the performance of the testing identified in this Chapter shall be checked at least annually for accuracy, and re-calibrated when inaccuracy is greater than +/- 0.2 psid. A current certificate of accuracy and calibration certification for such testing equipment issued from an authorized manufacturer's calibration repair laboratory or an ISO 9002 certified repair laboratory for instrument repairs or measurements shall be maintained and provided to Castle Rock Water at registration, and as additionally requested by Castle Rock Water to maintain current registration status. Accuracy verification certification and calibration must be National Institute of Standards and Technology (NIST) traceable and meet the current ASME/ANSI B40.01 standards.

E.     Responsibilities. All certified technicians shall be responsible for any testing, repair and/or maintenance without limitation to the items as herein listed:

1.     To provide generally recognized safety measures and equipment to protect themselves, laborers and the public in general.

2. To present registration documentation when required by the Town and/or water customer.

3. To inspect, test or repair a backflow prevention assembly in conformance with all applicable codes and regulations.

4. To provide accurate information on all applications, certifications, testing equipment documentation and/or backflow prevention assembly test reports.

5. To provide test reports to Castle Rock Water as prescribed herein.

6. To observe and conform to all the policies, rules and regulations governing construction and land use in the Town.

F. Registration management. Certified technicians shall perform inspections, testing, repair and/or maintenance in accordance with standards and testing requirements as identified herein.

1. Authority. The Director of Castle Rock Water or designee shall have the authority to deny, suspend, revoke or place restrictions on the applicant or registrant when the applicant or registrant commits one (1) or more of the acts or omissions:

a. Provides incomplete, false or misleading information on the registration application, technician certification, and/or test equipment accuracy verification documentation, including certification of accuracy and/or calibration.

b. Fails to provide current information or documentation related to current technician certification and/or test equipment accuracy verification documentation certification and/or calibration.

c. Fails to provide test reports as prescribed herein.

d. Fails to comply with policies, rules, regulations and standards prescribed herein.

2. Notification procedure. When any of the acts or omissions as herein enumerated are committed and the Director of Castle Rock Water or designee deems that such registration shall be

denied, suspended, revoked or restricted for reasons set forth in Paragraph above, the procedures shall be as follows:

a. The applicant or registrant shall be notified in writing, by certified mail, addressed to the applicant's or registrant's address of record with Castle Rock Water, along with the reason under Paragraph above for the action.

b. Upon the receipt of the notice, the applicant or registrant may request a hearing. Such request shall be in writing delivered to the Director of Castle Rock Water or designee within fourteen (14) calendar days of the receipt of the notice.

c. If a hearing is requested in writing within the time limited above, the Director of Castle Rock Water or designee shall set a time, date and place of the hearing and so notify the applicant or registrant to contest the reason set forth by the Director of Castle Rock Water or designee for the action.

d. When a hearing is conducted, the applicant or registrant and other interested parties may be in attendance and give testimony. Upon completion of the hearing, the Director of Castle Rock Water or designee shall notify the applicant or registrant of his or her findings and ruling in writing, by certified mail, within fifteen (15) business days after the completion of the hearing.

e. If the decision rendered by the Director of Castle Rock Water or designee is adverse, the applicant or registrant may appeal to the Town Manager or his or her designee as an aggrieved person. The Town Manager's review shall be limited to determining whether the Director of Castle Rock Water or designee had sufficient evidence to determine the violation under Paragraph above.

3. Suspension/revocation. Associated registration fees shall be required for reinstatement of suspended and/or revoked registrations. Evidence of compliance with Paragraph above is required prior to reinstatement of registration.

a. The suspension of a registration shall be for the period stated in the suspension, but in no event more than six (6)

months. Evidence of compliance with Paragraph above is required prior to reinstatement of registration.

b. If a registration is revoked, the applicant shall not be eligible to register with the Town for a period of six (6) months after revocation or any final decision from an appeal thereof.

C. Subparagraph A of Section 13.06.040 is amended in its entirety to read as follows:

A. All building and/or construction plans involving water/sewer service, plumbing plans for additions or alterations to existing plumbing systems, and/or irrigation system installation submitted to the Town shall be reviewed by Castle Rock Water and/or its designee and approved prior to issuance of a permit.

D. Subparagraph B of Section 13.06.050 is amended in its entirety to read as follows:

B. Backflow prevention assemblies installed in violation of this Chapter shall be removed and replaced at the water customer's expense. Any such repair or replacement shall be made with an approved backflow prevention assembly within ten (10) days of discovery by the user, a certified technician, or Castle Rock Water and/or its designee, unless arrangements satisfactory to Castle Rock Water are made. Should the hazard presented to the water system be determined to present a significant health risk, immediate service discontinuance may be necessary until such repair or replacement is accomplished.

E. Section 13.06.060 is amended in its entirety to read as follows:

**13.06.060 - Inspection.**

A. Backflow prevention assembly installations shall be inspected and approved for use by Castle Rock Water and/or its designee prior to the furnishing of water service. Inspections must be scheduled at least twenty-four (24) hours in advance of the desired inspection time.

B. Castle Rock Water may conduct surveys to verify location, application, appropriate protection of degree of hazard and operation of backflow prevention assemblies.

C. Castle Rock Water may conduct surveys of water supply system users to identify hazardous service connections or cross-connections. Surveys may consist of written instruments, verbal interviews or physical inspections.

Water supply system users shall complete such surveys and otherwise cooperate in the identification of potentially hazardous service connections or cross-connections according to terms and conditions prescribed herein.

- F. Section 13.06.070 is amended in its entirety to read as follows:

**13.06.070 - Testing and maintenance.**

Backflow prevention assemblies shall be tested and maintained as described below:

A. Backflow prevention assembly testing shall be conducted in accordance with performance standards and field test procedures in referenced documents herein as directed by the Colorado Department of Public Health and Environment.

B. All backflow prevention assemblies shall be tested by a certified technician at the time of installation, prior to issuance of a certificate of occupancy.

C. Customers with single-family residential backflow prevention assemblies are encouraged to test the assembly annually at their expense and in accordance with manufacturer requirements. All other customers shall test their backflow prevention assemblies at their expense and according to manufacturer requirements at least annually, or more often as determined by Castle Rock Water.

D. Backflow prevention assemblies shall be tested immediately upon installation, repair, replacement or alteration of plumbing upstream of the assembly.

E. Single-family residential service connections may be subject to more frequent risk assessment evaluations, to include the probability of the occurrence of a physical connection between a potable water supply and a nonpotable substance; the occurrence of backflow conditions, including backsiphonage and backpressure; the total failure of the backflow prevention assembly used to isolate the cross-connection; and the probability that a nonpotable substance is present and will have an adverse effect on the water system or user. As determined through such risk assessment, Castle Rock Water may require additional testing.



F. Castle Rock Water retains the right to test or otherwise check the installation and operation of any testable assembly at any time to assure proper operation.

G. Should a backflow prevention assembly not be installed in conformance with Town standards, the test report shall reflect such information and be recorded as a failure.

H. All backflow prevention assemblies not meeting requirements shall be repaired or replaced at the water customer's expense. Any such repair or replacement shall be made with an approved backflow prevention assembly within ten (10) days of discovery by the user, a certified technician or Castle Rock Water and/or its designee, unless arrangements satisfactory to Castle Rock Water and/or its designee are made. Should the hazard presented to the water system be determined to present a significant health risk, immediate service discontinuance may be necessary until such repair or replacement is accomplished.

G. Section 13.06.080 is amended in its entirety to read as follows:

**13.06.080 - Record keeping.**

A. The certified technician shall report on a form approved by Castle Rock Water.

B. Records of all tests, inspections, repairs and replacements of backflow prevention assemblies shall be kept by the water customer, the certified technician and Castle Rock Water for a period of three (3) years.

C. The certified technician is required to send copies of all passed test reports to the owner and Castle Rock Water within five (5) working days after testing, inspecting or repairing any backflow prevention assembly. The certified technician should repair a failed assembly immediately, if possible. When an assembly failure is a potential threat to the potable water system or the environment and cannot be repaired immediately, the certified technician must report the failure verbally to the owner and Castle Rock Water and/or its designee. The technician must send written notification to the owner and Castle Rock Water and/or its designee within three (3) working days.

H. Subparagraph B of Section 13.06.090 is amended in its entirety to read as follows:

B. This right of entry shall be a condition of water service in order to provide assurance that the health, safety and welfare of the people throughout the Town's potable water distribution system are maintained. Where building

security is required, the backflow assembly or assemblies should be located in an area not subject to security. Questions regarding proper credentials should be directed to Castle Rock Water.

- I. Section 13.06.100 is amended in its entirety to read as follows:

**13.06.100 - Compliance.**

A. Customers shall cooperate in the installation, maintenance, testing and inspection of backflow prevention assemblies and/or water use survey process. Failure to cooperate shall be grounds for the discontinuance of water service to the premises, or the requirement for air-gap separation from the public potable water system.

B. Service of water to any premises may be discontinued by Castle Rock Water if unprotected cross-connections exist on the premises, if any defect is found in an installed backflow prevention assembly or if a backflow prevention assembly has been removed or bypassed. Service shall not be restored until such conditions or defects are corrected.

C. Discontinuance of service may be summary, immediate and without written notice whenever, in the judgment of the Town Manager or the designated representative thereof, upon the recommendation of Castle Rock Water or a registered certified cross-connection control technician, such action is necessary to protect the purity of the public potable water supply or the safety of the water system.

- J. Subparagraph B of Section 13.12.080 is amended in its entirety to read as follows:

B. Irrespective of the SFE assignment under subsection A, connections within an area governed by a water efficiency plan shall be assigned an SFE by applying the engineering criteria adopted by Castle Rock Water to the specific water saving measures mandated by the water efficiency plan with 0.67 SFE being the lowest available assignment under this section.

- K. Section 13.12.100 is amended in its entirety to read as follows:

**13.12.100 Meter set fees.**

No new potable water, wastewater or irrigation water service shall be extended to any user until payment of proper tap fees in accordance with the schedule enumerated below is made. The fee shall be assessed and payable at the time of submission of a complete building application. The payment of the tap fee is for the privilege to tap to the main and an inspection by the Town and is supplementary to the system development fees imposed under Section 13.12.080. The construction of the service line is to be completed by the user, stubbed at a properly designated point as determined by the Director of Castle Rock Water.

**Meter Set Fee Schedule**

	Single Port	
Meter Size & Type	Indoor Installation	Outdoor Installation
5/8" x 3/4" iPerl	\$397.74	\$408.35
1" iPerl	\$467.85	\$478.46
1.5" OMNI C2, 1,000 gallon pulse	\$1,607.54	\$1,618.15
2" OMNI C2, 1,000 gallon pulse	\$1,764.29	\$1,774.90
3" OMNI C2, 1,000 gallon pulse	\$2,119.66	\$2,130.27
4" OMNI C2, 1,000 gallon pulse (irrigation)	\$3,524.05	\$3,534.66
6" OMNI C2, 1,000 gallon pulse	\$5,882.40	\$5,893.01
1.5" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,131.40
2" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,300.43
3" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,565.97
4" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$2,820.89
6" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$4,840.54
	Dual Port	
Meter Size & Type	Indoor Installation	Outdoor Installation
5/8" x 3/4" iPerl	\$420.47	\$431.07
1" iPerl	\$490.58	\$501.18
1.5" OMNI C2, 1,000 gallon pulse	\$1,630.27	\$1,640.87
2" OMNI C2, 1,000 gallon pulse	\$1,787.02	\$1,797.62
3" OMNI C2, 1,000 gallon pulse	\$2,142.39	\$2,152.99

4" OMNI C2, 1,000 gallon pulse	\$3,546.78	\$3,557.38
6" OMNI C2, 1,000 gallon pulse	\$5,905.13	\$5,915.73
1.5" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,154.12
2" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,323.15
3" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,588.69
4" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$2,843.61
6" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$4,863.26

On an annual basis, the Town Manager shall be responsible for reporting to the Town Council information on construction cost indexes for the year. The Town Council, at its discretion, may amend the fee schedule upon consideration of the construction cost index information.

L. Subparagraph D of Section 13.12.110 is amended in its entirety to read as follows:

D. When the literal water budget criteria, as set forth in this Chapter, results in an inequitable water budget due to the usage patterns of a specific customer, the water budget may be administratively adjusted by the Director of Castle Rock Water.

**Section 4. Amendment.** Title 17 of the Castle Rock Municipal Code is amended as follows:

A. Subparagraph 6 of Subparagraph B of Section 17.42.080 is amended in its entirety to read as follows:

6. Landscaping. All developments shall adhere to the following landscaping requirements with a focus on the pedestrian space and sidewalk areas. A Landscaping Plan will be required with all site plans, showing the proposed landscaping for the site. One (1) large canopy tree will be required for every twenty-two (22) linear feet (on center) or one (1) small canopy tree will be required for every fifteen (15) linear feet (on center) of property fronting along a public roadway. The landscaping plan is subject to approval by Castle Rock Water and Public Works Department. Routine tree maintenance, such as trimming, thinning, watering and, if necessary, tree replacement may be needed to ensure the quality of the streetscape. The following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of trees required. All shrubs plants must be a minimum size of five (5) gallons at planting and all flowering perennial plants must be a minimum of one (1) gallon

at planting. For every required tree, a corresponding number of plantings or trees, from either Subparagraph a., b., or c., below, will be required for each site plan:

- a. Shrubs: Five (5) per required tree.
- b. Perennial plants: Seven (7) per required tree.
- c. Trees: One (1) per required tree.

B. Subparagraph 4 of Subparagraph B of Section 17.43.060 is amended in its entirety to read as follows:

4. Landscaping. This plan will allow for flexibility while setting forth minimum requirements. Xeriscape and water-wise vegetation is encouraged in the FSOD while recognizing the historic landscaping of the Craig and Gould neighborhood. All developments shall adhere to the following landscaping requirements, with a focus on the pedestrian space and sidewalk areas. A landscaping plan will be required with all site plans, showing the proposed landscaping for the site. One large canopy tree will be required for every twenty-two linear feet (on center) or one small canopy tree will be required for every fifteen linear feet (on center) of property fronting along a public roadway. Seventy-five percent of the tree plantings must be large canopy trees. The landscaping plan is subject to approval by Castle Rock Water and Public Works Department. Routine tree maintenance, such as trimming, thinning, watering and, if necessary, tree replacement, may be needed to ensure the quality of the streetscape. The following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of trees required. All shrubs and plants must be a minimum size of five gallons at planting, and all flowering perennial plants must be a minimum of one gallon at planting. For every required tree, a corresponding number of plantings or trees from either Subparagraph a., b. or c. below will be required for each site plan:

- a. Shrubs: five per required tree.
- b. Perennial plants: seven per required tree.
- c. Trees: one per required tree.

**Section 5.     Amendment.** Title 18 of the Castle Rock Municipal Code is amended as follows:

A.     Section 18.10.010 is amended in its entirety to read as follows:

**18.10.010 - Floodplain Administrator.**

The Director of Castle Rock Water or designee is designated as the Floodplain Administrator for the Town to administer, implement and enforce the provisions of this Title and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

**Section 6.     Severability.** If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 7.     Safety Clause.** The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 15<sup>th</sup> day of November, 2016 by a vote of 5 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this 6<sup>th</sup> of December, 2016 by the Town Council of the Town of Castle Rock, Colorado, by a vote of \_\_\_\_ for and \_\_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Sally Misare, Town Clerk

\_\_\_\_\_  
Paul Donahue, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Robert J. Slentz, Town Attorney

\_\_\_\_\_  
Mark Marlowe, Utilities Director