

Sec. 13-1-40. Definitions.

For the purposes of this Chapter, the following terms shall have the meanings herein given:

Actual cost means all direct costs applicable to the construction of a given facility, including construction, engineering, inspection, plan approval fees, all fees and costs of administration and other costs necessary for completion.

Base allotment means the amount of water a customer represented by an EQR may use within the base rate as established by the Town from time to time.

Base rate means the monetary assessment each month for each customer-based EQR as calculated by the Town, and adjusted from time to time, to provide a revenue source intended to cover the Town's fixed operating costs in producing, treating and supplying its customers with water in increments of one thousand (1,000) gallons.

Bathroom means a room equipped with a toilet, lavatory and shower and/or bathtub.

Bathtub means any bathing fixture with a water capacity of one hundred fifty (150) gallons or less.

Block means the incremental range, as established by the Town from time to time, by which assessments are directed to water customers represented by one (1) or more EQRs for water use above the base rate of consumption, and the basis for which additional charges above the base rate shall be assessed to the Town's water customers.

Building drain means that part of the lowest horizontal piping of a building drainage system from the stack or horizontal branch, exclusive of storm sewer, extending to a point not less than five (5) feet outside the building wall.

Customer means any person authorized to use the public water or sewer system under a permit issued by the Town.

Equivalent Residential Use or EQR means the estimated use of the Town water and sewer systems by a single-family residence of up to one thousand eight hundred seventy-five (1,875) square feet in floor area. Nonresidential uses and larger residential uses are calculated using the equivalent residential use as a basis.

Family means an individual, two (2) or more persons related by blood or marriage or between whom there is a legally recognized relationship, or not more than five (5) unrelated persons living together as a single housekeeping unit in a residential unit.

Floor area means any area enclosed by the exterior walls of a structure having a ceiling height of five (5) feet or greater from a floor level, provided that garage spaces shall be computed at fifty percent (50%) of the actual floor area.

Industrial waste means the liquid wastes from industrial processes as distinct from sanitary sewage.

Kitchen means a designated space containing at least one (1) device or appliance for heating food, a separate sink with hot and cold running water and a refrigeration appliance.

Metered water rate means the monetary assessment as established by the Town, and recalculated from time to time, based on dollars assessed per one thousand (1,000) gallons of water used per EQR, which shall not be less than the base rate.

Owner means the person owning the real property served by the Town water or sewer system.

Public sewer line means a sewer in which all owners of abutting properties have equal rights, and which is controlled by the Town.

Rental unit, long-term means a residential property rented by a natural person or entity to any other natural person, for a term of not less than six (6) months, which limitation of rental term shall be recorded in the real property records of the County pursuant to Section 16-9-70 of this Code. Such property may not be rented to any person with greater than ten percent (10%) ownership interest in the property, or to any person with greater than ten percent (10%) ownership interest in any entity with ownership of the property. For purposes of this definition, *natural person* is only an individual and shall not include any association, firm, partnership, corporation or any other entity.

Residential unit means one (1) or more rooms, in addition to separate kitchen and bath facilities, intended or designed for occupancy by a family, independent of other families, on a long-term basis.

Restaurant means a place where meals and other foods are served to the public, whether for consumption on or off the premises, and where alcoholic beverages may be served. Food is prepared on-site, utilizing service, dish and food preparation washing facilities. The term includes restricted food service establishments, which are subject to different parking and EQR requirements. The term does not include:

- a. Private boarding and rooming houses;
- b. Child care centers, hospitals and nursing homes;
- c. Establishments existing primarily for purposes other than providing beverages or food which do not have seating for consuming food or beverages, and which serve only coffee, tea or other beverages, popcorn or cotton candy, and prepackaged nonperishable doughnuts, pastries or other similar items obtained from sources complying with all relevant state laws;
- d. Vendors, as defined in Section 6-4-10 of this Code; or
- e. Theaters not providing more than traditional theater snacks to their patrons.

Restricted food service establishment means a food service establishment serving only prepackaged food in individual portions which may be warmed or otherwise handled after selection on site only by the purchaser, or serving ice cream. These establishments do not cook raw food, use waitpersons or mechanical dishwashers, or serve alcoholic beverages. At least one (1) restroom is required on the premises for such establishments without patron seating, and at least two (2) restrooms, male and female, are required on the premises for such establishments with patron seating. One (1) three-compartment sink for dishwashing and one (1) separate hand sink are required on the premises. One (1) compartment of the three-compartment sink may be designed for vegetable preparation if it is individually, indirectly wasted or air-gapped on the waste line. Since mechanical dishwashers are not allowed in restricted food service establishments, in order to mitigate the potential greater usage of paper or plastic to serve food, such establishments are required to use recycled paper for all food-related paper containers, and no plastic containers may be used. The use of a hood to eliminate steam,

smoke, grease or heat (as defined in the Mechanical Code as adopted by the Town) or an automatic dishwasher shall define the establishment as a *restaurant*. A restricted food service establishment shall have a maximum of three (3) fixture units as defined in the Plumbing Code as adopted by the Town. Additional fixture units shall define an establishment as a *restaurant*.

Service line means the water or sewer line that connects the Town's distribution system to the owner's property or structure, including that part of such line on public property, any valves or cleanouts within said line, and all valves, water meters, attachments or other fixtures constituting the physical tap-in to the Town system.

Sewage means any liquid waste containing animal or vegetable matter in suspension or solution from residences, businesses, institutions and industrial establishments.

Sewer means a pipe or conduit for carrying sewage.

Tap or connection means the action of connecting the service line to the Town system.

Town system-sewer means the sewer system, including all lines, owned and maintained by the Town.

Town system-water means the water system, including all lines, owned and maintained by the Town.

User means any person to whom water or sewer service is supplied, whether it is a renter, record owner, corporation, company, individual, public entity, etc.

Water meter means a required electronic measuring device, approved and inspected by the Town when installed on a water customer's service line, from which water usage may be determined for each EQR by employees of the Town, or a designated agent, periodically monitoring readings emitted from the meter. (Prior code 14-1-4; Ord. 2 §1, 1991; Ord. 11 §2, 1991; Ord. 7 §§2—5, 1994; Ord. 3 §4, 1995; Ord. 3 §§1, 2, 2001; Ord. 2 §7, 2003; Ord. 25 §1, 2003; Ord. 4 §1, 2009)