

# TABERNASH MEADOWS WATER AND SANITATION DISTRICT

## RULES AND REGULATIONS

### Section One

#### 1. GENERAL INFORMATION

- 1.1 Authority: These Rules and Regulations are adopted in accordance with the authority conferred in Title 32, Article 1 of the Colorado Revised Statutes, by the Tabernash Meadows Water and Sanitation District, a political subdivision of the State of Colorado and a quasi-municipal corporation with all the powers thereof which are specifically granted to the District, or are necessary or incidental to or implied from powers specifically granted by statute, constitution or other law, for carrying out the objectives and purposes of the District.
- 1.2 Policy: It is hereby declared that the following Rules and Regulations will serve a public purpose and will promote the health, safety, and general welfare of the inhabitants and visitors of the District.
- 1.3 Purpose: The purpose of these Rules and Regulations is to provide for the control, management, and operation of the water and sewer systems of the District, including additions, extensions and connections thereto, and to provide for the administration and enforcement of such standards. All service by the District will be available in accordance with these Rules and Regulations, and subject to the charges established therefore, and all penalties and charges for violation thereof, and in accordance with any statutes applicable to the District. All service by the District is subject to availability and capacity of facilities.
- 1.4 Scope: These Rules and Regulations shall be considered a comprehensive set of Rules and Regulations governing certain aspects of the control, management and operation of the District. It should be noted, however, that not every conceivable aspect of the control, management and operation of the District and its systems is covered in these Rules and Regulations, and that the Board of Directors of the District reserves the right to make rulings concerning matters not covered herein as and when appropriate, in the opinion of the Board.
- 1.5 Regulations by Other Governmental Entities: Any limitation, restriction, or prohibition validly placed upon the District by any governmental entity or by any agreement between the District and any other governmental entity is hereby incorporated into these Rules and Regulations by this reference and shall constitute a limitation, restriction and/or prohibition on each customer of the District.
- 1.6 Effective Date: These Rules and Regulations shall be effective immediately upon adoption by a majority of the Board at a public meeting.
- 1.7 Construction: Nothing set forth herein shall be construed as an alteration, waiver or deviation from any grant of power, or any limitation or restriction thereof, conferred or imposed upon the District, by the statutes, constitutional provisions, or other laws of

Colorado as they currently exist and as they may exist in the future.

- 1.8 Amendments: These Rules and Regulations may be amended from time to time by the Board in the same manner as provided in Section 1.6 herein.
- 1.9 Saving Provision: The enactment of these Rules and Regulations, any amendment thereof, or the repeal of any prior existing Rules and Regulations or resolutions shall not deny or limit any right, action, cause of action, penalty, charge, or fee which arose under such prior provision.
- 1.10 Repeal of Conflicting Resolutions: All resolutions or parts of resolutions in conflict herewith are hereby repealed, except as may be as expressly provided herein.
- 1.11 Severability: The invalidity of any section, clause, sentence, or provision of these Rules and Regulations shall not affect the validity of any other part of these Rules and Regulations which can be given effect without such invalid part or parts, and to this end the provisions of these Rules and Regulations are hereby declared to be severable.
- 1.12 Variances: The District reserves the right to waive or modify the provisions of these Rules and Regulations at its sole discretion. Any person seeking a variance of a provision of the Rules and Regulations shall have the burden of proving that the operation of such a provision as it is applied would cause undue hardship or should not be applied to the person for another justifiable reason and such variance shall not endanger the health, safety and welfare of the residents and inhabitants of the District. The Board's decision to grant or to deny the variance shall be final and conclusive.
- 1.13 Governing Board and District Management: The District is governed by a Board consisting of five members (the "Directors"). The Directors must be qualified electors of the District and are elected to staggered four-year terms of office at successive biennial elections. Vacancies on the Board are filled by appointment of the remaining Directors. The appointee serves until the next regular election; at which time, the vacancy is filled by election for any remaining un-expired portion of the term.

The Directors hold regularly scheduled meetings and special meetings as needed. Each Director is entitled to one vote on all questions before the Board when a quorum is present.

The Board may, by resolution, adopt a process to be followed by person(s) and/or representative(s) wishing to be placed on the Board's upcoming meeting agenda.

## **Section Two**

### **2. DEFINITIONS**

Unless the context requires otherwise, the meaning of terms used herein shall be as follows:

- 2.1 Board or Board of Directors: The duly elected Board of Directors of the Tabernash Meadows Water and Sanitation District, which acts as the governing body of the District.

- 2.2 Building: Shall mean any structure used or intended for supporting or sheltering any use or occupancy.
- 2.3 Building Drain: 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 feet (5') outside of the building wall.
- 2.4 Business Day: Normal administrative business hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday, legal holidays excepted. Normal field operator hours for District jobs are from 8:30 a.m. to 3:30 p.m., Monday through Friday, legal holidays excepted.
- 2.5 CDPHE: Colorado Department of Public Health and Environment.
- 2.6 Commercial Sewage (Wastewater): Sewage from a non-residential tap, that may or may not have higher flow and/or waste concentrations than residential sewage.
- 2.7 Connection: The connection of water and/or sewer service lines to District lines for either a permanent or temporary purpose.
- 2.8 Contractor: Shall mean any person, corporation or other entity acting as an independent contractor, authorized by the District to perform work or furnish materials within the District, and hired by either the District or other persons or entities.
- 2.9 Cost or Costs: All costs associated with the new construction, reconstruction, enlargement or dedication of any water or sewer system, including, but not limited to, all costs of associated planning, engineering, inspection, administration, acquisition of facilities, right-of-ways or water rights, attorney's fees and other fees which are necessary to provide new, different or additional services within the District's service area or proposed service area.
- 2.10 Customer: Shall mean any person, as defined herein, developer, or property owner together with any lessee or tenant of such property owner, or occupant of such property owner's property, who is supplied with service by the District or authorized to use water or connect to the District's water or sewer under a permit issued by the Board.
- 2.11 Deleterious Wastes: Any wastes contained in special sewage (as defined hereinbelow) that would be harmful to the District's sewer mains or to the sewage treatment works, or which, without pretreatment, would violate federal, state, local, or District pretreatment standards.
- 2.12 Developer: Any person who owns land and is subdividing the land for resale and seeks to have the land served by the District.
- 2.13 District: The Tabernash Meadows Water and Sanitation District.
- 2.14 District Engineer: Person or firm that is employed or contracted, by the Board, to do engineering work for the District.
- 2.15 EQR: Equivalent Residential (Unit). An approximate measure of the level of service

- necessary to serve a single-family dwelling, or in the case of multi-family dwellings, the measure of the level of service necessary to serve each individual single-family unit within the multi-family structure, used to calculate the cost of tap fees and service charges in Appendix A. (Similar terms: SFE – single-family equivalent.)
- 2.16 Industrial Wastes: The wastes from industrial processes, trade, or business, as distinct from sanitary sewage.
- 2.17 Licensed Plumber or Pipe Layer: A person who has been bonded and provided a license to perform such work by the State of Colorado.
- 2.18 Manager or District Manager: The person employed or contracted with by the Board to administer and supervise the affairs of the District and its employees, including enforcement of the District's Rules and Regulations, supervision of the operation and maintenance of District facilities, and who shall, among other things, operate, inspect and approve all connections, excavations, and installations, systems, and facilities.
- 2.19 May: Means "is permissive."
- 2.20 Normal Sewage: See Section 9.2.1.
- 2.21 Permit: Written permission of the Board given pursuant to these Rules and Regulations, and subject to the specific terms and conditions contained therein.
- 2.22 Person: A natural person, trust, corporation, limited liability company, or any other business entity and any governmental agency as the context requires.
- 2.23 POTW: Publicly Owned Treatment Works – same as Sewage Treatment Works.
- 2.24 Pre-Treatment Facilities: Structures, devices, equipment or processes for the purpose of reducing or removing the deleterious wastes or altering the nature of the deleterious wastes in special sewage, as herein defined, commercial or industrial sewage prior to discharging such sewage into the District's sewer system.
- 2.25 Prohibited Sewage: See Sections 9.2.3 and 9.4.
- 2.26 Proposed Customer: Any person whose property is capable of being served by District facilities or who has applied for a tap permit, connection permit, main line extension permit, or inclusion and who has not yet received the service which is the object of the permit application, regardless of whether such person is already receiving other service from the District and regardless of whether they are the property owner, developer, sub-divider or user.
- 2.27 Remote Register/Readout: The component part of the customer-owned water meter assembly used to receive and record a signal transmitted to it by the water meter. (See definition for Water Meter.) The remote register is located on the exterior of the building for which service is being metered. Its purpose is for facilitation of the meter reading process.

- 2.28 Responsible Person: Any person who proximately causes an action or event and any person who directs another to cause an action or event, and any customer whose property or facility was intended to be benefited by such actions.
- 2.29 Sampling: The periodic collection of water or sewage samples for testing.
- 2.30 Sanitary Sewage: Is "Normal Sewage" as defined in Section 9.2.1.
- 2.31 Sewage: A combination of liquid wastes originating from any residential, commercial, or industrial buildings or other establishments, which may include household wastes, human excreta, animal or vegetable matter, organic or inorganic material in suspension or solution, and other solids in suspension or solution.
- 2.32 Sewer Main (also referred as Main Line in the context of the District's sewer system): Any pipe or system of piping and appurtenances used as a conduit for sewage in the District's sewer system and owned by the District. Unless otherwise designated by the Board, a sewer main shall be any line eight inches (8") or more in diameter.
- 2.33 Sewer Service Lines (also referred to as Service Line in the context of the District's sewer system): Any pipe, system of piping and appurtenances used as conduit for sewage from a customer's facility where sewer service is provided, to the sewer main.
- 2.34 Sewer System: All structures, facilities, equipment, and processes used for collecting, pumping, treating, and disposition of sewage.
- 2.35 Sewage Treatment Works: Those devices, facilities, structures, or locations to which sewage is conveyed by sewer mains for the purpose of treatment.
- 2.36 Shall: Means "is mandatory."
- 2.37 Special Sewage: See Sections 9.2.2 and 9.3.
- 2.38 Stub-In: In the context of water service line, the curb stop; in the context of sewer services lines, the point where 4-inch PVC lines are brought to within 100 feet of the property line.
- 2.39 Testing: In the context of water or sewage, the analysis of samples for composition, and other characteristics; in the context of construction or connection of water or sewer system facilities, the inspection and trial operation of the construction.
- 2.40 Unit: A building or portion thereof used for a single-family residence, or an individual commercial use for which separate service is provided.
- 2.41 Water Mains (also referred to as Main Line in the context of the District's water system): Any pipe or system of piping and appurtenances used as a conduit for water in the District's water system and owned by the District. Unless otherwise designated by the Board, a Water Main shall be any line four inches (4") or more in diameter.
- 2.42 Water Meter: The component part of the customer-owned water meter assembly which is

used for the measurement and totalizing of the gallons of water that pass through it. (See remote register.)

- 2.43 Water Service Line (also referred to as Service Line in the context of the District's water system): Any pipe, line, or conduit used to provide water service from the Water Main to the facility or building where the water service is provided to the customer.
- 2.44 Water System: All facilities and processes for diverting, transporting, distributing, storing, pumping, treating, measuring, etc. of the water.
- 2.45 Any Other Term: Not herein defined shall be defined as presented in the "Glossary - Water and Sewage Control Engineering", A.P.H.A, A.S.C.E., F.W.A.A., and U.P.C. latest editions.

### **Section Three**

## **3. OPERATING PRINCIPLES AND LIMITATIONS**

- 3.1 Policy: The District shall endeavor to provide water and sewer services in a cost-effective manner within the District and the Tabernash community, and to provide for the operation, maintenance, repair and replacement of all mains, hydrants, valves, and facilities owned by the District, for the health, safety, prosperity and general welfare of the inhabitants of the District. The District reserves full right to determine all matters related to the control and use of its water and sewage system, including the right to determine the use the District's water and sewer systems by any person as necessary to satisfy the general purposes set forth herein.
- 3.2 Facilities Construction Costs: Notwithstanding any other provision of these Rules and Regulations to the contrary, all costs of new construction, reconstruction or enlargement of any water or sewer system facilities, including all associated planning, engineering, administration and attorney's fees, which are necessary to provide new, different or additional water or sewer service within the District's service area (including but not limited to service lines, main lines, and water or sewage treatment works), shall be paid by the owner(s) of the property or building to be provided service. The other provisions of this section apply regardless of whether the District or some other person contracts for, or initially pays for, such construction, reconstruction or enlargement, or such service is compelled by the District. The Board may act other than as required in this section when it determines, in its sole discretion, that such action is in the best interest of the District, or is necessary to provide for the health, safety and welfare of the inhabitants and visitors of the District.
- 3.3 Liability:
  - 3.3.1 District Not Liable: Except as provided by the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S. ("CGIA"), as the same may be amended from time to time, no claim for damages shall be made against the District, by reason of damage resulting from any of the circumstances governed by the CGIA including, but not limited to, the following: the condition of any main line, service or supply line, pipe, cock, or water meter; failure, interruption, or inadequacy of

the water or sewer services; the making of connections or extensions; sporadic, and excessive pressures; blockage in the system; failure of water and sewer facilities to be located where District's map indicates they should be; actions with respect to the water or sewer system of the District deemed necessary by the Board or its agents; inspections, the issuance or denial of any permit; and the revocation of service to any property for violation of these Rules and Regulations.

- 3.3.2 Officials Not Liable: Any District official or employee, charged with the enforcement of these Rules and Regulations, acting in good faith and without malice on behalf of the District in the discharge of his or her official duties, shall not thereby render himself or herself personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties. Any suit or proceeding instituted against such official or employee, stemming from any act or omission performed by him or her in the enforcement or attempted enforcement of any provision of these Rules and Regulations, shall be defended by the District until final termination of the proceedings, in such a manner as to be consistent with the District's resolution indemnifying such officials and employees.
- 3.3.3 Non-Liability for Work of Others: The District does not assume any liability for any work performed by others.
- 3.3.4 Indemnity: The owner(s) shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation, repair or other interference with District water or sewer facilities and shall obtain any guarantee required by Section 10.11.2.
- 3.4 District Ownership and Maintenance: Except as otherwise provided in these Rules and Regulations, all existing and future water and/or sewer system facilities connected with and forming an integral part of the District's water and sewage system shall become and are the property of the District. The District shall be responsible for maintenance, repair and reconstruction of such property, including water or sewer mains, at the cost of the District unless the situation necessitating such repair or reconstruction is the result of a change or enlargement of use, use or damage to such facilities, in which case such repair or reconstruction will be done at the expense of the person responsible for such use or damage. Said ownership will remain valid regardless of whether such property is constructed, financed, paid for, or otherwise acquired by the District, or by other persons. No other persons, except those authorized by the District shall have any right to enter upon, inspect, operate, adjust, change, alter, move or relocate any portion of the foregoing or any of the District's facilities.
- 3.5 Ownership and Maintenance of Water and Sewer Service Lines: All water and sewer service lines connected to the District's system and all appurtenances associated therewith with such as meter assemblies, curb stops, cleanouts, grease traps, and sand/oil separators, shall comply with the District's specifications as to both materials and installation and be subject to District inspections. However, such items shall be and remain the property of the property owner, who shall retain responsibility for maintaining the same.

The District is not responsible for damages resulting from leaks, stoppages, breaks, or other failures whether found in service lines, curb stops, meter assemblies or other similar appurtenances. All such leaks, stoppages, breaks, or other failures in service lines shall be promptly repaired by the property owner upon discovery of the same. The District reserves the right to shut off water or disconnect a service line from the District's system when necessary to protect the health, safety and welfare of the inhabitants and visitors of the District or to protect its water from being wasted. In such cases, the owner shall be responsible for payment of disconnect and reconnect charges and as well as any other related expenses as may be incurred by the District.

- 3.6 Ownership and Maintenance of Water Meters, Related Assembly and Remote Register: Water meter assemblies and water meters shall be purchased directly from the District. It shall be the duty of all customers to notify the District office if a water meter and/or remote register are operating ineffectively. It shall also be the duty of all owners to maintain free and clear access to the water meter, all component parts making up the water meter assembly and the remote register.

The District shall be responsible for the maintenance and repair of all water meters, unless it determines that said water meter has been willfully damaged, is inaccessible, or is unreparable by District personnel, in which case, the District will have the water meter repaired or replaced, and shall charge the owner.

The property owner shall be responsible for the maintenance and repair of the remote register, the wire or cable connecting the remote register to the water meter, and all other component parts making up the water meter assembly except as otherwise provided herein.

If the District determines a water meter or its related remote register is not functioning properly, an appointment will be scheduled with the property owner during normal business hours for District staff to assess and, if possible, repair the problem. District staff in their sole discretion will determine if the problem is repairable by the District.

If the District is able to make necessary repairs, the owner may be charged for said repairs. If the District determines a damaged or defective water meter, its component parts making up the water meter assembly including the connecting wire/cable and remote register are not repairable by District staff, it shall notify the owner in writing by certified mail or hand delivered, to the property, of its findings. Such notice shall state that if repairs have not been completed, or if the District paid for repairs previously made and payment to the District for said repairs is thirty (30) days outstanding, a ten-day shut off notice shall be issued. The District may designate by whom repairs to water meters may be made and will provide assistance where deemed necessary.

If any water service meter and or its related remote register shall fail to register in any billing period, the owner shall be charged the average period consumption as determined by the District Manager.

- 3.7 Service Outside the District: At the present time, no service is available outside the District, with the exception of the existing wastewater connections provided to the "Tabernash Enterprise Zone" under the terms of the District's Intergovernmental



Agreement with Grand County regarding the wastewater plant.

- 3.8 Use of the District's Easements: Landowners or any other persons shall not construct any permanent building or other similar structure on any of the District's easements, though such persons may install temporary or removable and replaceable objects such as yard lights, mail boxes signs, fences, shrubs, flowers, or plants within the easement. If the District, in the process of exercising one or more of the rights to the use of an easement, finds it necessary to remove any of the described items, which have been placed or planted within the easement, the District shall not be responsible to replace such items after it has exercised such rights. If a Landowner or other person seeks to construct a permanent building or other structure on one of the District's easements, the owner or other person shall apply to the District for approval on the construction of the encroaching structure. The District approval shall be in the form of an Encroachment Agreement.

#### **Section Four**

#### **4. USE OF PUBLIC WATER AND SEWER SYSTEMS REQUIRED**

- 4.1 Unlawful to Deposit Waste in Unsanitary Manner: It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the District, any human excrement, garbage, or other objectionable waste.
- 4.2 Sewage Must be Treated: It is unlawful to discharge to any natural outlet or surface or subsurface system within the District, any sewage or other polluted waters, except when suitable treatment has been provided for in accordance with these Rules and Regulations.
- 4.3 Sumps and Water Wells Prohibited: Unless otherwise approved by the Board, after the effective date of these revised Rules and Regulations, the construction of any water well or sump (including garage floor drains) within the District is prohibited. Upon connection of property to the District's public water and sewer system, the owner shall dedicate and convey any existing water rights to the subject property to the District at no cost, with the owner being required to abandon any wells or related water structures according to the State Engineer's Standards for plugging, sealing, and abandoning wells.
- 4.4 Use of District Water and Sewer Systems Required: No water system or sewage disposal system shall be constructed within the District, unless such system is connected with the District's sewer or water systems, unless otherwise specifically authorized by the Board. The owner(s) of any parcel of land within the boundaries of the District which is subdivided subsequent to the effective date hereof, shall make application to the District for extension of its water and sewer facilities to serve said subdivision. All expenses in connection with the construction of the extensions or enlargement of all facilities necessary to serve new development within the District shall be paid for by the owner pursuant to the terms of a written agreement therefor.
- 4.5 District's Power to Compel Connection: Unless otherwise agreed to by the Board, the owner(s) of all dwellings, businesses or other premises situated within the District where a water supply shall be used or residential, commercial or industrial wastes or sewage are

generated, stored, or treated shall be required at the owner'(s) expense to install suitable water and sewer facilities therein and to make application for and to connect such facilities directly with the District's public water and sewer system for the protection of the health, safety and welfare of the inhabitants and visitors of the District in accordance with the provisions of these Rules and Regulations, within 20 days after written notice is sent by registered or certified mail to do so, provided that the public water or sewer main is within 400 feet of the owner's property line.

If such connection is not commenced within such period and completed with reasonable diligence by the owner, the District may thereupon make such connection, and the owner shall be liable for all expenses incurred by the District for the completion of the connection, including any unpaid tap fees and other District charges. The District shall also have a first and prior lien on the property served for such cost and fees, and such shall be enforceable in accordance with the provisions of Section 32-1-1006(1)(a), C.R.S.

If an owner's service line must cross another person's property in order to connect to the District's water and sewer system at the point designated by the District, and the owner is unable to obtain the easement(s) required for such service line, the District may in its discretion initiate proceedings to acquire such easement(s). All costs incurred by the District in the prosecution of such proceedings, including without limitation, the amount determined to be payable as just compensation, legal fees, engineering and survey fees, appraisal fees and expert witness fees, shall be paid by the owner of the property to be connected. The amount required to be deposited with the court in order for the District to obtain possession of the property included within the easement(s) shall be paid at that time by the owner of the property to be connected. The District shall have a first and prior lien on the building to be connected and the property on which they are located for all such costs, and such lien shall be enforceable in accordance with the provisions of Section 32-1-1006(1)(a),C.R.S.

- 4.6 Compliance with §30-28-133(3)(d); C.R.S.<sup>1</sup> In order to comply with the requirements of §30-28-133(3)(d) C.R.S. by reliance upon water service from the District, a developer must obtain the District's confirmation of water service in writing and must have paid the necessary tap fees in order to guarantee service.

## **Section Five**

### **5. APPLICATION FOR SERVICE**

- 5.1 Policy: Service shall be furnished in accordance with these Rules and Regulations as they may be amended from time to time to property located within the District only after all fees and charges have been paid and all required permits have been issued and all required inspections have been made. Neither the District nor its residents shall be required to subsidize the development of any newly included property.
- 5.2 General Rules Applicable to All Tap and/or Connection Permits:
  - 5.2.1 Every applicant for service must also furnish satisfactory evidence of inclusion whenever such evidence is requested by the District.

- 5.2.2 Upon approval by the District, a tap permit number will then be issued for the applicant's property; however, payment of a tap fee and issuance of a tap permit does not entitle the applicant to connect to the District's lines or obtain water or sewer service until all of the additional requirements, such as inspection and issuance of a connection permit have been met.
- 5.2.3 If an expansion of District facilities or the extension of District lines is necessary to serve the applicant's property, the District shall condition the issuance of tap permits upon completion of the expansion or extension at the sole cost and expense of the applicant and in accordance with the terms of these Rules and Regulations.
- 5.2.4 The tap and connection permits issued to an applicant are applicable only to the real property and building or portion thereof specified on the permits, and all rights under the permits shall be deemed to be automatically conveyed with title to such property. The permits shall not be transferable for use on other property, or for use on other buildings on this same property; except that upon written application, transfer of the permit may be approved by the District in its sole discretion upon payment of a transfer fee and a determination that such transfer will not impair the health, safety and welfare of the residents and visitors of the District. Each connection or tap permit shall allow only one service line connection.
- 5.2.5 Issuance of a connection permit or any other District permit does not authorize the holder thereof to make any cut in a public road or street or to do anything for which separate permission is required of another governmental entity.
- 5.2.6 The Board retains, in its sole discretion and judgment, the right to deny an application for a tap permit, when the granting of the application would not be in the best interest of the District or its residents and property owners. The factors that the Board may consider include but are not limited to the following: whether adequate water rights, water storage rights, and related water facilities are available and will be available in the future to serve the development proposed for the property; the impact of the proposed service on the District's existing water and sewer service treatment, transmission, and storage facilities; the economic effect that the approval of the application would have on the District or its residents and property owners; whether the granting of the application would adversely affect the public health, welfare and safety of the District's residents and property owners; and other factors related to the request to provide such service. There may be factors and aspects of an application, which are unique to that application and are not contained in the above list, and the Board retains the right to consider all factors related to an application and make a decision based thereon.
- 5.2.7 Neither the issuance of a permit or a tap shall entitle any customer to obtain continuing services from the District. Each tap and connection permit and inclusion or other agreement issued or entered into by the District shall be subject to each of the provisions of these Rules and Regulations as they may be amended from time to time, and shall be subject to each of the conditions and limitations

set forth herein. Failure to abide by these Rules and Regulations may result in the imposition of costs, fines and charges, including such amounts as may be incurred by the District in attorney's fees and other expenses in connection with formal or informal enforcement action and may result in disconnection of services.

- 5.3 Application for Tap Permit: A proposed customer seeking service from the District, shall submit an Application for Water and Sewer Tap Permit, on the District's standard form, accompanied by the appropriate tap fee and if applicable, water resources fee from the Fee Schedule. Unless varied by prior written agreement approved by the Board, all tap fees due to the District shall be paid on the earlier of the date on which the lot is sold by the developer or the District, as the case may be; the date upon which a building permit is issued; or upon inclusion of new property into the District. For all structures other than single-family residences, building plans that include adequate information regarding the project's requirements for potable water, fire protection and sewer shall be submitted with the tap application.
- 5.4 Application for Temporary Tap Permit: The Board may, in its sole discretion, issue a temporary water and/or sewer tap if it determines that good cause for such connection has been shown. Persons seeking temporary service from the District for property within the District shall submit an application for a temporary tap accompanied by the appropriate fee. Upon approval by the District, a temporary tap permit will be issued. A service charge fee for a temporary connection will be calculated in the same manner as it would, had the connection been permanent, however, the Board may determine equitable fees or rates for temporary service on a case-by-case basis when necessary to consider the impact on the District of providing temporary service. A temporary connection privilege shall terminate no later than a period of one (1) year, unless good cause is shown to the District for extending it another year, except that the temporary connection privilege shall terminate immediately upon the conveyance, modification or enlargement of the property or structure connected, unless District approval is obtained. The granting of a temporary connection confers no permanent right to be connected to the District's facilities. Unless the Board determines otherwise, all requests for service for a period exceeding one (1) year shall be deemed as being for a permanent purpose.
- 5.5 Application for Irrigation Tap Permit: The Board may, in its sole discretion, issue an irrigation tap for specific property if the same can be accomplished in accordance with all restrictions applicable to the District's water rights and based upon other factors considered by the Board. Persons seeking an irrigation tap from the District for property within the District shall submit an application for the same, accompanied by the appropriate fee, along with a plan showing the area to be irrigated, the irrigation system to be utilized and any additional information as may reasonably be requested by the District. Upon approval by the District, an irrigation tap permit will be issued. See also Section 10.5.
- 5.6 Application for Connection Permit: A proposed customer seeking service from the District, shall make separate application for a connection permit, accompanied by the appropriate fees, prior to connection to the District's lines. No connection permit shall be issued until all required inspections have been made and all installations as required by these Rules and Regulations have been approved by the District Manager. No work on a proposed connection shall commence prior to payment of all fees and the issuance of a

connection permit. See also Section 10.8.

5.6.1 Connection permits shall expire one (1) year from the date of issuance. If the authorized connection has not been made during such time, the applicant shall be required to apply for and pay for a new connection permit at the then prevailing rate unless an extension of the original permit has been granted in writing by the Board upon the applicant's written request and for good cause shown. Extensions shall not exceed one (1) year.

5.7 Amended Tap Permit: If, subsequent to the issuance of a tap permit, the size, use or other classification factor of a property changes, the owner shall so advise the District and, if the District deems the change to be one requiring a new level of service, meter size, or other adjustment, it shall so advise the owner who shall then be required, as a condition of continued service, to apply for an amended tap permit and pay such additional fees as applicable.

5.8 Inclusion: Where it is desirable and technically feasible to provide water and sewer services to real property situate outside the District, it shall be necessary, prior to providing such service, to formally extend the District's boundaries to include such property in accordance with statute. The applicant shall submit a petition for inclusion as required by Colorado Revised Statutes and as hereinafter provided for and pay all applicable fees and charges as established by the Board. The petition shall include all land owned by the applicant that is contiguous to the parcel for which service is desired; however, this requirement may be waived by the Board for good cause shown.

5.8.1 All expenses relating to the inclusion of property into the District shall be paid by the applicant for inclusion, including not only the actual expenses related to the inclusion process including but not limited to title work, engineering and legal fees, but also any expense made necessary to serve the property after inclusion. Neither the District nor its residents shall be required to subsidize the development of any newly included property.

5.8.2 Every applicant for inclusion shall dedicate senior water rights, water storage rights, and related water facilities to the District in an amount and of a quality adequate, in the judgment of the Board, to serve said property or subdivision; or, in the discretion of the Board, monetary compensation, as provided in the Schedule of Fees and Charges attached hereto as Appendix A, defined as a water resources fee, adequate to purchase or compensate for water rights, water storage rights, and related water facilities to provide such service. The owner of said property shall convey these rights or monies to the District free and clear of all liens and encumbrances prior to inclusion of the property into the District or approval of service to the property, whichever the case may be. In no event shall the District be obligated to reimburse the applicant for funds expended by the applicant for any such water rights, water storage rights and water related facilities. In no event shall the District be liable or responsible for abandonment of existing water wells or related structures as required by the State Engineering Standards and as set forth by Section 3.3 of these Rules and Regulations.

5.8.3 The inclusion process shall be commenced by the filing of a petition with the

Board as required by statute. Ten copies of the inclusion petition shall be submitted, together with an inclusion fee in the amount set by the Board, which shall include an initial deposit amount plus an additional amount for each EQR to be served. The inclusion petition shall contain or be accompanied by the following information:

- 5.8.3.1 A legal description of the property to be included, setting forth the total acreage, together with proof of current title.
- 5.8.3.2 A survey of the property, showing its location with respect to the District's existing boundaries.
- 5.8.3.3 The existing zoning for the property together with any proposed changes, including all documents submitted to Grand County pertaining to such rezoning request.
- 5.8.3.4 A description of the proposed uses of the property, including:
  - 5.8.3.4.1 The proposed total population for the property, including a breakdown into types of uses such as single-family residences, condominiums, commercial development, recreational uses, etc.
  - 5.8.3.4.2 The proposed maximum population density for each area of the property, including the number of acres to be used for various types of uses, together with an indication of lot sizes, irrigated acreage, and water and sewer requirements, and any limitations proposed on water usage.
  - 5.8.3.4.3 The number of acres to be dedicated to open space, green belts, and parks and the anticipated location of each such area, a description of the proposed ground cover and the irrigation water requirements for each such area.
  - 5.8.3.4.4 Detailed engineering plans on how the petitioners' propose that water and sewer service be provided, including cost estimates of all facilities.
  - 5.8.3.4.5 Any other pertinent facts that will assist the District in considering the request for inclusion, in the Board's discretion.
  - 5.8.3.4.6 Any additional information reasonably requested by the District.
- 5.8.3.5 The proposed development schedule.
- 5.8.3.6 A complete description of all water rights, water storage rights, and water related facilities associated with or acquired for the property,

including proof of ownership, copies of all court decrees and well permits, etc.

- 5.8.3.7 Upon request by the District, a full financial statement and balance sheet of the petitioner, and an ownership and encumbrance report or TBD commitment, dated within 30 days of the application, for the property.
- 5.8.4 If estimated actual costs to the District for all expenses related to the inclusion, including engineering and legal fees and expenses, incurred on behalf of the District in evaluating the petition, together with 100% of any amounts paid by the District to any other governmental entity, which is required to review the proposal, are more than the initial deposit amount, the petitioner shall deposit the such additional amount as may be required by the District to cover its estimate of these costs within 20 days of filing its petition and if the final actual costs exceed the estimated amount, the applicant shall pay the difference to the District upon demand regardless of whether or not the petition for inclusion is finally granted.
- 5.8.5 The Board shall conduct a hearing as provided by the Colorado Revised Statutes on whether the petition for inclusion should be granted or denied, in whole or in part. The Board shall decide, in its sole discretion and judgment, whether serving the property described in the petition is feasible and whether the granting of the petition is in the best interest of the District and its existing residents and property owners. The Board shall withhold entry of any final order approving inclusion until the petitioner has entered into an agreement which details the terms and conditions of inclusion and provides for payment of all fees and costs or sufficient security therefor. The Board's action granting or denying the petition for inclusion shall be final and conclusive.
- 5.8.6 Any District commitment to provide service to the property described in the petition or finally included into the District shall be deemed a commitment to reserve service capacity for the petitioner but shall not vest the petitioner with any property or development rights. Additionally, except as may be provided in any prior written agreement approved by the Board, any commitment to provide service to property included into the District that is being platted, re-platted or otherwise divided into multiple building sites expire unless all reserved taps have been purchased and fully paid for within the earlier of twelve months from the date upon which the County approves the final plat or exemption plat, if applicable, of the newly included property or twelve months from the date of inclusion, whichever occurs first.

## **Section Six**

### **6. SERVICE LINE CONSTRUCTION AND CONNECTION**

- 6.1 Required Permits and Fees: No service line shall be constructed within the District nor connected to the District's water or sewer system until all fees have been paid, and applicable permits have been issued by the District as provided in these Rules and Regulations. All water service lines connected to the District's water system shall comply with the District's specifications as shown in Appendix B as to both materials and

- installation, and shall be installed owned and maintained by the property owner. The District shall inspect the initial installation of each service line as well as its connection to the water system and may enter upon the owner's property to inspect, and operate the curb stop and curb box, valve and valve box, as it deems necessary thereafter.
- 6.2 Separate Service Lines: Except as otherwise provided herein, a separate and independent water service line and water meter assembly and a separate sewer service line with appropriate appurtenances shall be provided for and installed at the expense of the property owner for each building.
- 6.2.1 Commercial Structures and Multi-Unit Residential Structures: Each non-residential structure hereafter constructed and each multi-unit residential structure shall have an individual service line (with water meter assembly or sewer line appurtenance, as required) and a separate connection for each unit in the structure.
- 6.2.2 Interior Lots: In existing neighborhoods, a single service line may be allowed where one building stands at the rear of another on an interior lot and no separate service line is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. No request for allowance of a single service line will be considered unless the applicant provides all necessary easements and a joint usage agreement in a form acceptable to the District. By approving a single service line, the District does not assume any obligation or responsibility for damage caused by or resulting from use of the single connection.
- 6.3 Inspections: Service lines shall be inspected under the supervision of the District prior to connection to the District systems. The applicant for the water or sewer service line connection permit shall notify the District when the service line is ready for inspection and connection to the public system. A line shall be deemed ready for inspection when the entire line from the building to the public system, the curb stop, valves and other appurtenances are entirely exposed and accessible and a trench box is in place. The connection and testing shall be made under the supervision of the District Manager or a representative of the District.
- 6.4 Design and Construction Specifications: Service lines shall be installed in accordance with the specifications set forth in Appendix B attached hereto and incorporated herein by this reference. All contractors, licensed plumbers and others doing work within the District shall comply with these requirements.
- 6.5 Contractor Qualifications: All contractors and subcontractors shall be approved by the District Manager prior to commencing work. Connection shall be made by bonded, licensed plumbers or pipe layers, but plumbing contracted by a licensed master plumber may be performed through journeymen plumbers or apprentices under their direction. The District assumes no responsibility for work performed by general or subcontractors or their agents, or others.



## Section Seven

### 7. MAIN LINE EXTENSIONS

- 7.1 Required Permits and Fees: A proposed customer seeking service requiring the construction or extension of a water or sewer main line shall submit to the District an application for a main line extension permit and pay all required fees. No excavation or construction work shall be commenced in connection with the main line until a main line construction permit has been issued by the District as provided by Section 10.9.
- 7.2 Design and Construction Specifications: All line extensions, including special structures required to insure proper operation of the line extension, shall be designed and constructed according to the District Manager's specifications, and under the District supervision. Said specifications shall comply with the District's construction specifications, unless provided otherwise. Prior to the District's acceptance of the lines, reproducible as-built drawings shall be provided, or reasonable provision made therefor.
- 7.3 Location of Line Extensions and Additions: When possible, line extension shall be installed in roads or streets, which the County or State Highway Department or other public agency has accepted as public right-of-way, or in easements granted to the District. Where water and sewer mains cannot be installed in a street, private drive or common area, and must be installed in easements between adjacent pieces of property, the line will terminate at the point determined by the District.
- 7.4 Conveyance of Title and Easements: Proposed customers who have completed construction of main line extensions shall deed these lines, associated easements and all appurtenances to the District free and clear of all liens and encumbrances. Prior to construction of a main line extension the proposed customer shall plat and grant to the District appropriate easements and rights-of-way necessary to construct, operate and maintain the same. All easements shall be prepared, reviewed, and recorded at the proposed customer's expense.
- 7.5 Line Extension Construction by the District: All line extensions which are, by the terms and conditions of a line extension permit, to be constructed by the District shall be contracted for by the District with the contractor and/or proposed customer and/or developer installing the lines being responsible to the District as provided by Section 10.11. All associated construction costs shall be paid by the District out of a deposit made by the proposed customer and/or developer. In the event the original deposit is insufficient, the proposed customer and/or developer shall, upon notification, immediately deposit the balance due with the District in order to pay for completion of the work. Upon completion of the work the final cost shall be certified by the District's Engineer and Manager and any surplus refunded or deficiency made up by the developer or proposed customer. All inspection fees required by any governmental authority shall be paid by the licensed plumber, contractor or others doing work within the District.
- 7.6 Line Extension Construction by the Proposed Customer and/or Developer: All line extensions which are, by the terms and conditions of a line extension permit, to be constructed by the proposed customer and/or developer, shall be contracted for by the proposed customer and/or developer with the contractor installing the lines being

responsible to the proposed customer and/or developer. All associated extension cost not incurred by the District shall be paid directly by the proposed customer and/or developer. Nothing in this section shall be construed to negate the requirements that the proposed customer and/or developer comply with the District's Rules and Regulations in their entirety and construction shall be under the District's supervision. Upon completion of the work, the final cost to the proposed customer and/or developer associated with the line extension shall be certified to the District's Manager.

- 7.7 Inspection: During construction or extension of main lines, the District's Manager shall be notified, prior to back filling, when the main line is ready for inspection and approval. Inspection of construction of main line extensions shall be governed by the provisions of Section 6.3 and Section 11 of these Rules and Regulations.
- 7.8 Board Discretion Concerning Extensions: Notwithstanding any provision of Section 10.9, the District may, in its discretion, extend lines or approve extension under such conditions as the Board deems appropriate and may be carried out in the form of a line extension and/or construction agreement by and between the District and the proposed customer and/or developer.

## **Section Eight**

### **8. USE OF PUBLIC WATER SYSTEM**

- 8.1 Policy: The public water system of the District is primarily designed to supply water for fire, domestic, and light commercial purposes and to provide limited opportunities for irrigation. Use of water for manufacturing or industrial use is not intended and may be curtailed as necessary to preserve water for the general welfare of the citizens of the District. Excessive water usage for any purpose likewise may be curtailed as deemed necessary by the Board.
- 8.2 Backflow Prevention and Control: Every customer shall abide by the industry's standards for the prevention and control of hazardous cross-connections and protect the public water system from avoidable contamination. Every customer also shall comply with all current IBC and Uniform Plumbing Code (UPC) codes related cross-connection control regulations. Refer to Appendix E – EPA Cross Connection Control Manual.
- 8.3 Residential or Commercial Rooftop Sprinkler Systems: A variance from the Board shall be required to authorize the use of water from the District's water system for residential and/or commercial rooftop fire sprinkler systems. Such use without a variance is prohibited.
- 8.4 Resale of Water: The resale of District water by District customers is prohibited.
- 8.5 Water Conservation: Water supplied by the District shall be used only for beneficial uses. Waste of water shall not be permitted. What constitutes waste of water shall be determined by the Board or Manager.
- 8.6 Conservation Orders: Upon a determination by the Board or the District Manager that the District is facing an immediate shortage in its supply of water which threatens the health,

welfare, and safety of the inhabitants and visitors of the District and which requires immediate action, the Board or the District Manager is empowered to institute orders regulating or curtailing uses of water by those served by the District's water system. If necessary, the Board or the District Manager may order immediate complete curtailment of non-domestic use, and limit in-house use, of water from the District's facilities. Any conservation orders shall be uniformly applied to all similarly situated water customers within the District's service area. Nothing herein shall be construed to prevent the District from regulating different categories of water users differently. These conservation orders may be modified as the conditions causing the water shortage change.

8.6.1 Effective Date of Conservation Orders: The conservation orders shall be effective immediately upon being signed or as otherwise provided. Copies of the orders adopted pursuant to this section shall be delivered or mailed to all residences, businesses, and other premises served by the District's water delivery system.

8.6.2 Public Meeting to Discuss Conservation Orders: The Board shall conduct a public meeting on the water conservation orders as soon as possible, but in no event later than two (2) weeks from the date of the adoption of such orders. Notice of this public meeting shall be posted at the District's office at least three (3) days in advance of the meeting. At the public meeting, the Board shall receive public comments and staff recommendations with respect to the water conservation orders, and shall determine what modifications, if any, need to be made to the orders. If any material modifications are made to such orders, the revised orders shall be mailed or delivered to all of the District's water users. All such orders or revised orders shall remain in effect until such time as the water shortage problem is determined by the Board to have ended and notice thereof is given as provided in this section.

8.7 Use of Water Conservation Devices Encouraged: The District encourages the use of water conservation devices for all properties served by the District's water supply after the date of enactment of these Rules and Regulations.

8.8 Enforcement: Every customer shall be responsible for compliance with the above-mentioned prohibitions, conservation orders, and proscriptions against waste. Violations, as determined by the District Manager, will subject the violator to fines and penalties as set forth herein. Violation by a guest, tenant, or other invitee of the customer shall not be accepted as a defense so as to limit the District's right to impose fines, charges or other penalties and to exercise its statutory lien rights against the customer's property in case of non-payment. Additionally, where violations are not cured, are repeated three or more times, or create an immediate risk of harm to the public systems or the inhabitants of the District, service may be suspended or disconnected. In all such cases, in addition to applicable fines and penalties, disconnect and re-connect charges shall be added and, in order to reinstate service, re-connect charges also shall be added.

8.8.1 Appeals: Appeals of such penalties and charges may be made to the Board.

## **Section Nine**

### **9. USE OF PUBLIC SEWER SYSTEM**

- 9.1 Policy and Prohibition: The public sewer system of the District is primarily designed for the disposal of domestic and light commercial waste and not for disposing of manufacturing or industrial wastes. Except as hereinafter provided, no person shall discharge, or cause to be discharged, into any sewer main, any special or prohibited sewage (as herein defined) or any harmful, injurious or deleterious waters or wastes, whether liquid, solid, or gas capable of causing obstruction to the flow in sewer, damage or hazard to structures, equipment and personnel of the sewage treatment works, or other interference with the proper operation of the sewage treatment works.
- 9.2 Classification of Sewage: This section of the Rules and Regulations shall provide the basic policies of the District for classification of sewage and for control of discharge of sewage into the sanitary sewer system. It shall be the policy of the District to classify sewage into three main categories termed "normal (residential) sewage," "special (commercial/industrial) sewage," and "prohibited sewage" as hereafter defined. The classification of sewage shall be the responsibility of the District and shall follow recommended procedures of CDPHE and, subject to approval of the Board, shall be final and binding.
- 9.2.1 Normal Sewage: Normal sewage shall mean sewage which can be treated at the District's sewage treatment works without pre-treatment and within normal operating procedures, and which, when analyzed, shows by weight a daily average of not more than 300 mg/L of suspended solids and not more than 250 mg/L B.O.D. (Biochemical Oxygen Demand), and other parameters as listed in Appendix C Pretreatment.
- 9.2.2 Special Sewage: Special sewage shall mean sewage which does not conform to the definition for normal sewage, but which can be treated by the District after pre-treatment by the customer or by utilization of special operating procedures by the District at the sewage treatment works. Special sewage is further defined in Section 9.3.
- 9.2.3 Prohibited Sewage: Prohibited sewage shall mean any sewage, which may be reasonably anticipated to have a deleterious and/or injurious effect upon the sanitary sewage system, or any persons or property and therefore, in the opinion of the District, cannot be serviced by the District. Prohibited sewage is further defined in Section 9.4.
- 9.3 Special Sewage: The discharge or introduction into the public sewers of any special sewage shall be subject to the review and prior approval of the Board, which may prescribe limits on the strength and character of such sewage. By way of example and not limitation, the following shall be considered special sewage: water drained from swimming pools and Jacuzzis (spas, hot tubs), sewage from restaurants, bakeries, and food handling facilities, sewage from commercial operations including greenhouses, repair shops, and paint shops.
- 9.3.1 Pre-Treatment: Where necessary, in the opinion of the Board, the owner shall provide, at his expense, such pre-treatment facilities as may be necessary to treat such special sewage prior to discharge to the sewer mains. Plans, specifications,

and any other pertinent information relating to proposed pre-treatment facilities shall be submitted for the approval of the District and of the CDPHE, and no construction of such facilities shall be commenced until such approval is obtained in writing. Where pre-treatment facilities are provided for any special sewage, they shall be maintained continuously in satisfactory and effective operation by the owner, at the owners expense. Refer to Appendix C, Pretreatment Regulations and Appendix D, Best Management Practices.

- 9.3.2 Grease, Oil and Sand Interceptors: Grease, oil and sand interceptors of a design recommended by the CDPHE, Uniform Plumbing Code, or the District and/or Manager shall be provided when, in the opinion of the District and/or Manager, are necessary for the proper handling of special sewage or liquid wastes containing grease in excessive amounts, generally greater than 100 mg/L or sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner(s) at their sole expense, with continuously efficient operation at all times. The use of emulsifiers for the purpose of dissolving grease and oils is prohibited. Refer to Appendix C, Pretreatment Regulations.
- 9.3.3 Control Manhole: The owner of any property served by a service line carrying special sewage shall install and maintain, at the owner's expense, a suitable control manhole in the service line to facilitate observation, sampling and measurement of the wastes. All measurements, tests, and analysis of the characteristics of waters and wastes shall be at the owner's expense and determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" and shall be determined at the control manhole, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest down-stream manhole in the sewer main to the point at which the service line is connected.
- 9.4 Prohibited Sewage: Except as may specifically be allowed by prior written agreement approved by the Board, the admission of industrial, manufacturing, and other prohibited sewage by any person into the public sewer system is strictly prohibited. For purposes of this section and without limiting the generality of the term "prohibited sewage," prohibited sewage shall include:
  - 9.4.1 Any water or waste from any foreign source, regardless of composition, in an amount that is detrimental to the sewage system due to its interference with the District's volume capacity and with the biological processes necessary for proper treatment.
  - 9.4.2 Any storm water, ground water, roof runoff, sub-surface drainage, cooling water, unpolluted industrial process waters, water accumulation in excavations or as a result of grading, or other clear water injected into the sewage system by means of a drainage collection and/or pumping system and any other unpolluted water may not be introduced to any sanitary sewer.
  - 9.4.3 Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid,

solid, gas, fertilizers, pesticides, herbicides, lubricating oil, diesel fuel, other hydrocarbon fuels, antifreeze, paint or organic solvents.

- 9.4.4 Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works, including prescription drugs.
- 9.4.5 Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage treatment works.
- 9.4.6 Solid or viscous substances in quantities or of such size capable of causing obstructions to the flow in sewers or other deleterious effects on the sewer system and interference with the proper operation of the wastewater facilities such as, but not limited to, normal sink garbage, which has been ground, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch, manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- 9.5 Analysis of Sewage: The Manager or Manager's designee shall be responsible for all sampling, testing, analysis and classifying of sewage. The Manager may accept Owner's chemical analysis. Testing and analysis shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater" latest edition. Results of tests shall be made available to the customer at the District office.
- 9.6 Enforcement: Every customer shall be responsible for compliance with the above-mentioned rules and prohibitions. Violations, as determined by the District, will subject the violator to fines and penalties as set forth herein. Violation by a guest, tenant, or other invitee of the customer shall not be accepted as a defense so as to limit the District's right to impose fines, charges or other penalties and to exercise its statutory lien rights against the customer's property in case of non-payment. Additionally, where violations are not cured, are repeated three (3) or more times, or create an immediate risk of harm to the public systems or the inhabitants of the District, service may be suspended or disconnected. In all such cases, in addition to applicable fines and penalties, disconnect charges shall be added and, in order to reinstate service, re-connect charges also shall be added.
- 9.6.1 Appeals: Appeals of such penalties and charges may be made to the Board.

## **Section Ten**

### **10. PERMITS, FEES AND CHARGES**

- 10.1 Policy: All classification, rates, charges and other fees to be levied for services provided by the District shall be established from time to time by the Board. The Board may also establish separate and different classifications, rates, charges and other fees for services

which the District may choose to provide to customers outside the District boundaries. The classifications, rates and charges as shown in Appendix A shall remain in effect until modified by the Board under the provisions of these Rules and Regulations and under the applicable statutes of the State of Colorado.

- 10.2 Type of Service Rates: Water service shall be metered by the District. Charges and fees for sewer service shall be at a flat rate, except for commercial service of unusual characteristics which shall be metered. The cost of all such metering equipment shall be paid by the applicant for the service.
- 10.3 Classification of Customers: For the purpose of levying fair, reasonable, uniform and equitable charges, the following classifications and appropriate definitions are provided.
- 10.3.1 Single-Family Dwelling: A single-family dwelling shall be construed as a living unit suitable for occupancy of one or more individuals of a family, comprising either a separate and unattached structure from any other dwelling unit, or a dwelling unit joined to another by an architectural feature, for example, a patio home.
- 10.3.2 Multiple-Family Dwelling: A multiple-family dwelling shall consist of a single structure or structures otherwise unattached to any other dwelling unit and wherein more than one family unit exists, as for example, district homes, condominiums and apartments.
- 10.3.3 All Other Categories: All other categories of use shown on the rate schedule attached hereto as Appendix A shall be given their customary meanings. Any controversy concerning definition of categories shall be resolved by the District in its sole discretion.
- 10.3.4 Unclassified Service: Whenever a structure represents a classification not contemplated by these Rules and Regulations, the Board, at its sole discretion, shall establish fair, reasonable and equitable fees and charges for said structure.
- 10.4 Tap Permit: Any person requesting service shall file a tap permit application and pay the appropriate tap permit fee no later than the date set forth in Paragraph 10.4.3 below. For all structures other than single-family residences, building plans shall be submitted which contain the requirements for potable water, fire protection and sewer. Upon approval by the District, a tap permit number will then be issued to the owner. In every case, no service shall be allowed until a tap fee has been paid.
- 10.4.1 Temporary Tap Permit: The Board may allow, in its sole discretion, connections to provide temporary water and/or sewer service if it determines that good cause for such connection has been shown. Persons seeking temporary service from the District for property within the District shall submit an application for a temporary tap accompanied by the appropriate fee. Upon approval by the District, a temporary tap permit will be issued. A service charge fee for a temporary connection will be calculated in the same manner as it would, had the connection been permanent, however, the Board may determine equitable fees or rates for temporary service on a case-by-case basis when necessary to consider the impact

on the District of providing temporary service. A temporary connection privilege shall terminate no later than a period of one (1) year, unless good cause is shown to the District for extending it another year, except that the temporary connection privilege shall terminate immediately upon the conveyance, modification or enlargement of the property or structure connected, unless District approval is obtained. The granting of a temporary connection confers no permanent right to be connected to the District's facilities. Unless the Board determines otherwise, all requests for service for a period exceeding one (1) year shall be deemed as being for a permanent purpose.

10.4.2 Tap Permit Fee: A water and sewer tap permit fee shall be charged to all customers of the District and shall be paid before a tap permit is issued, whether for a permanent or temporary tap. Tap fees for both permanent and temporary purposes, as calculated to recover all expenses and costs associated with providing water or sewer service, shall be assessed as provided for in the Schedule of Fees and Charges attached hereto as Appendix A. Tap fees for temporary and permanent purposes shall be non-refundable.

10.4.3 Payment of Tap Fee: Subject to individual agreements with the District to the contrary, all tap fees due to the District shall be paid no later than the date on which: the lot is sold by the developer; a building permit is issued; or new property is included within the District, whichever comes first; except for the following:

10.4.3.1 When developers or proposed customers pre-install service lines prior to road paving, no tap fee shall be required to be paid until such time as application is made as required above.

10.4.4 Amended Tap Permit: Anytime a tap permit has been issued, and subsequent thereto the meter size is changed, or the classification of the property or level of service needed under said permit is changed so as to increase the level of service necessary, the quantity of water or sewage, or the amount of water or sewer treatment necessary, the owner shall apply for an amended tap permit and pay such additional fees as applicable.

10.5 Irrigation Tap Permit and Fee: Prior to installing a separate water connection to the public main for an irrigation area, the owner shall apply for an irrigation tap permit and pay the required tap fee. The District's Board shall then consider, in its sole discretion, whether to grant each irrigation tap permit. See also Section 5.5.

10.6 Fire Hydrant Use Permit: Prior to using a District fire hydrant for the purpose of taking water from the District's water system the individual or entity seeking such service shall apply for a Fire Hydrant Use Permit and pay the required permit fee. A copy of the permit executed by an appropriate District official must be onsite anytime a fire hydrant is being used. The District's policy and procedure for the proper use of District fire hydrants is incorporated within the Fire Hydrant Use Permit and is attached under the Form Section of these Rules and Regulations. The District and the East Grand Fire Protection District are exempt from this permit requirement.



- 10.7 Construction Water Use: Prior to using water from the District's water system for the purpose of construction the individual or entity seeking such service shall apply for a Construction Use Permit and pay the required fee. If a fire hydrant is being used, please see Section 10.6 for permit requirement and procedure for proper use.
- 10.8 Connection Permits (See also Section 5.6.):
- 10.8.1 Fees to be Paid: No connection permit shall be issued to the customer until the appropriate tap fees, inspection fees, performance bonds and guarantees, fees for water meter installation and initial meter reading, if applicable, have been paid, and funds estimated to cover the cost to the District associated with the connection deposited with the District, and a tap permit issued for the property or building to be served by the connection. No new services shall be furnished to the customer until all outstanding fees and charges as herein provided, have been paid to the District. A developer shall pay all tap fees for their development at the prevailing rate, subject to any contractual agreements.
- 10.8.2 Connection Permit Application: No connection permit will be issued until an application form, properly completed, and signed has been filed with the District by the owner(s) or its agent. Prior to approval of the application, the applicant shall submit and have approved by the District the engineering design and construction plans for the proposed service line and connection.
- 10.8.3 Expiration: Connection permits shall expire one (1) year from the date of issuance where the authorized connection has not been made during such time, unless extended by the Board upon written request.
- 10.9 Main Line Extension Permits (See also Section 7.):
- 10.9.1 Fees to be Paid: No main line extension permit shall be issued to the owner until a main line extension permit fee, performance bonds and guarantees have been paid, and funds estimated to cover the cost to the District associated with the main line extension deposited with the District.
- 10.9.2 Main Line Extension Permit Application: No main line extension permit will be issued until an application form properly completed and signed has been filed with the District by the owner(s) or its agent. Prior to approval of the application, the applicant shall submit and have approved by the District the engineering design and construction plans for the proposed service line and connection. The Board may give preliminary approval of an application, based upon terms and conditions which may allow design and construction specifications to be agreed upon by the District Manager. The Board shall specify whether approval of an application is conditional on construction of the main line extension by the District, or by the proposed customer, and any other terms and conditions of such approval.
- 10.10 Inspection Fee: At the time of applying for a connection permit, an applicant shall pay an inspection fee as provided for in Appendix A, which fee shall approximate the cost to the District to conduct such inspection.

10.11 Associated District Construction Costs: All cost of new construction, reconstruction or enlargement of any water or sewer system facilities, including all associated planning, engineering, administration and attorney's fees, which are necessary to provide new, different or additional water or sewer service within the District's service area (including but not limited to service lines, main lines and water or sewage treatment works), shall be paid by the owner(s) of the property or building to be served. After approval of an application, but prior to the issuance of any necessary permits or commencement of any such work, the applicant shall deposit with the District sufficient funds to cover all of the District's estimated cost associated with such work.

10.11.1 Performance Bonds: Any person constructing water or sewer system facilities to be conveyed to the District, within the public right-of-way, or within any public or private easement granted to the District for such purpose, shall furnish to the District a performance bond equal to one hundred percent (100%) of the construction cost. When the owner is to be responsible for such construction, such performance bond shall hold the District harmless for payment to the contractor. The property owner shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation of the water or sewer service.

10.11.2 Guarantee: Prior to acceptance by the District, any person constructing water or sewer system facilities to be conveyed to the District, within the public right-of-way, or within any public or private easement granted to the District for such purpose, shall guarantee or cause its contractor to guarantee to the District the construction against faulty workmanship and materials associated with such construction for a period of two (2) years after acceptance by the District. A guarantee of all maintenance for two (2) years from the date of acceptance by the District of the lines shall also be provided. A performance and maintenance bond or other security acceptable to the District shall be furnished as such a guarantee. Inspection and approval by the District of any such facilities shall not relieve the guarantor from compliance with these provisions.

10.12 Unauthorized Tap Connection Fee: An unauthorized tap connection penalty shall be payable by persons connecting to a District line without prior payment of tap fees or other fees, approval of connection permit or adequate inspection of lines. Should the District determine that disconnection, or turning off of service, is necessary because of the unauthorized connection, prior to reconnection or turning on service, all unauthorized connection fees, any other outstanding fees or charges, a reconnection fee, and all costs associated with such disconnection and reconnection must be paid by Owner.

update 4-14-2020

10.13 Service Charges: Upon payment of the tap fees, water and sewer service fees shall commence unless a different commencement time is established by written agreement. Whenever possible, service charges will be directed to the owner of the property rather than the occupant, with the owner ultimately being responsible for such charges in any event. When a condominium association exists for a number of units receiving service from the District through one or more common meter(s), said condominium association shall receive a water bill for each metered account and a sewer service bill for each unit served by the condominium association. In no event shall the District bill the owners of individual units within a condominium

updated 4-14-2020

unless service to each unit is metered separately.

- 10.13.1 Calculation of Service Charges: Service charges shall be paid by all customers as provided in the schedule of fees and charges attached hereto as Appendix A.
- 10.13.2 Surcharge for Special Sewage: A surcharge fee will be assessed on the discharge of special sewage as defined in Section 9.2.2 and Appendix C, as determined by the District.
- 10.13.3 Amended Service Charge: In those situations where, in the Board's sole discretion, the service charges shown in Appendix A do not represent a fair, reasonable and equitable charge for the intended use, the Board may adjust said rates.
- 10.14 Turn-Off-Service Fee: Whenever service is turned off, for any reason including vacation or vacancy of rental property, delinquency of payment, or violation of the District Rules and Regulations, a turn-off-service fee shall be charged as provided in the schedule of fees and charges attached hereto as Appendix A.
- 10.15 Readiness-To-Serve Fee: A readiness-to-serve fee shall be charged for all properties which have had service installed, but for which service is turned off, whether such turn-off is voluntary or involuntary with a minimum duration of two (2) months, coincidence with one billing cycle, with such fee provided in the schedule of fees and charges attached hereto as Appendix A.
- 10.16 Turn-On-Service Fee: When service has previously been involuntarily turned off by the District, a turn-on-service fee shall be charged prior to the District's turning on service, with such fee provided in the schedule of fees and charges attached hereto as Appendix A. A turn-on-service fee shall not be charged when service has been voluntarily turned off at the request of the customer; the payment of the voluntary turn-off-service fee being deemed as covering the subsequent turn on request.
- 10.17 Account Transfer Fee: When a property with metered service is sold to a new owner a transfer fee is assessed to the seller for the costs associated with reading the meter and required administrative time, with such fee provided in the schedule of fees and charges attached hereto as Appendix A.
- 10.18 Service Availability Fee: As determined to be necessary by the Board, the District may assess availability of service or facilities fees upon providing notice of the meeting to consider such fees. Availability of service or facilities fees shall be assessed solely for the purpose of paying principal and interest on any outstanding indebtedness or bonds to mature and accrue during the annual period within which such fees are payable. Property shall be considered as having water or sewer available for the purpose of assessing the service availability fee when District water and sewer mains are installed in public right-of-way, easement, private drive, or common area, at an elevation capable of serving the property, and when water or sewer lines are installed within one hundred (100) feet of a property line.

10.19 Billing Procedure:

Updated 11-14-17

10.19.1 Service Charges, Readiness-To-Serve and Service Availability Fee: Statements for service charges shall be issued quarterly. The service charges on an Invoice are due on the Invoice date. Payment is delinquent if service charges are not paid within fifteen (15) days of the Invoice date. The District may accept payment of the service charges on an Invoice in partial payments."

10.19.2 All Other Charges and Fees: Except as in accordance with applicable law, specifically provided by written agreement between the District and an owner, tap permit fees, inspection fees, turn-off and turn-on service fees, fees for water meter installation and initial meter reading, performance bonds and guarantees, funds estimated to cover the cost to the District associated with any construction, and all other fees and charges are due when application for such permit or approval is made, or the task requiring the fee or charge is initiated, whichever occurs first. All such charges and fees not paid when due are delinquent.

Updated 11-14-17

10.19.3 Delinquency Charges: A monthly delinquency charge of fifteen dollars (\$15.00) shall be assessed on an account on the first day of each month if payment on an Invoice for quarterly service charges is delinquent. In no event shall a delinquency charge be invoiced if such charge is on its own or, when combined with prior delinquency charges for a quarter's delinquent service charges, would exceed twenty-five percent of the amount of the delinquent service charges that is due and owing on an Invoice. In no event shall any other amount due other than the applicable quarterly service charges due and owing be used for purposes of calculating the twenty-five percent limitation. A fraction of the fifteen dollar (\$15.00) delinquency charge shall be assessed if necessary to avoid exceeding the twenty-five percent limitation.

Invoiced delinquency charges for quarterly service charges must be paid prior to applying a full or partial payment to the delinquent quarterly service charges. If full payment of the most recent quarterly service charges on an Invoice is made on or before the Invoice date for the following quarter's service charges, the delinquency charge(s) assessed on the most recent quarterly service charges shall be waived. If payment of an Invoice remains sixty (60) days delinquent, the District may discontinue service to the property ten (10) days after the property receives notice of a right to a hearing pursuant to Section 12.4.1, or, if the right to a hearing is exercised, after such hearing. District personnel will administer the necessary collection calls and letters to initiate the process for discontinuing service to a property. In addition, the District may certify the entire delinquent amount due (including delinquency charges) to the Grand County Treasurer in accordance with the Grand County guidelines and §32-1-1101(1)(e), C.R.S. or initiate lien foreclosure proceedings in the same manner as provided by Colorado Law for the foreclosure of mechanics' liens."

10.19.4 Liens for Unpaid Charges and Fees: All charges and fees ultimately are the responsibility of the owner of the property served, and shall be a lien upon the

property to which said service is provided and shall be a perpetual charge against such property until paid.

- 10.19.5 Returned Check Fee: Any check or other negotiable instrument tendered to the District for payment which is returned to the District and dishonored for any reason whatsoever shall be subject to a return check fee, with such fee provided in the schedule of fees and charges attached hereto as Appendix A.

### **Section Eleven**

## **11. INSPECTIONS**

- 11.1 Powers and Authority of Inspectors: The District and Manager, the Director of the Colorado Water Quality Control Division, the United States Environmental Protection Agency Regional Administrator, and their authorized representatives bearing proper credentials and identification shall be permitted to enter all private and public properties within the District for the purposes of testing related to discharge to the public system, the water or sewer facilities lying within said properties, and related matters.
- 11.2 Construction Inspections: The District, the District Manager, or their designee shall have the right to inspect any and all work during construction to insure installation in accordance with District standards. After completion of construction of water or sewer lines, the District and/or Manager or their designee shall make a final inspection of construction as provided elsewhere in these Rules and Regulations. Under no circumstances shall the District be required to undertake inspection if the applicant is in violation of these Rules and Regulations, by virtue of non-payment of fees or otherwise, in connection with the property for which the inspection is requested or any other property within the District.

### **Section Twelve**

## **12. ENFORCEMENT**

- 12.1 Prohibitions: No unauthorized person shall turn on service from, uncover, make any connection or reconnection with opening into, extend, use, alter, or disturb any public water or sewer mains or appurtenances. Throughout the content of these Rules and Regulations various prohibitions are listed and described under their appropriate section.
- 12.2 Violations: In case of violation of these Rules and Regulations, the District may revoke service, disconnect, turn off service, require the responsible person to disconnect, or require the responsible person to return the District's system to its original condition, and shall require payment of all applicable fees and charges provided by these Rules and Regulations and all costs associated with the violation, including any expenses, losses, damages or attorney's fees occasioned by such violation by the responsible person. Such payment should be provided to the District prior to the District providing any service to any property or facilities owned, leased or occupied by the responsible party, whether or not such property or facilities are directly involved in the violation of this section. This section shall not be construed to limit the rights of the District to pursue other fees, charges, remedies or forms of relief provided in these Rules and Regulations and by other

applicable law.

- 12.3 Misdemeanor Offenses: Any person that maliciously, willfully, or negligently breaks, damages, destroys, uncovers, defaces or tampers with any portion of the District's water or sewer system, or takes water from the District's system, including fire hydrants, without written authorization, shall be charged with a misdemeanor, and upon conviction thereof, shall be fined in an amount as established by the court for each violation, along with whatever additional penalties as may be appropriate.
- 12.4 Revocation of Service: Service shall be revocable by the District upon non-payment of valid fees or charges owing to the District, upon failure to comply with the Rules and Regulations of the District, or when the District or Manager determines that an emergency exists and such revocation is necessary to protect the health, safety and welfare of the inhabitants and visitors of the District.
- 12.4.1 Notice and Hearing: In all cases except those involving an imminent hazard to the District's water or sewer systems, an owner or customer shall be given due notice of the opportunity to request a hearing prior to involuntary disconnection or termination of service. Any request for a hearing concerning the District's intent to revoke service shall be given in writing to the District Manager within ten (10) days of receiving such notice. Such notice shall be deemed to have been received by the owner or customer upon the delivery of such notice to the owner's or customer's residence or business if located within the District and mailing notice to the owner's or customer's billing address, or if the owner neither resides nor does business with the District, three (3) days after mailing of notice to the owner's billing address. Said hearing shall be held by the District at a regular meeting or special meeting of the Board of Directors at which time the owner or customer shall have an opportunity to present testimony and evidence to the Board. Following said hearing, the Board's decision shall be final. If it is the decision of the Board to revoke service to the property it may be accomplished by disconnecting or blocking, either or both the water and sewer lines serving the property.

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<sup>i</sup> Text from C.R.S. 30-28-133(3)(d) *Subdivision Regulations is provided for reference:*

*(3) Subdivision regulations adopted by a board of county commissioners pursuant to this section shall require subdividers to submit to the board of county commissioners data, surveys, analyses, studies, plans, and designs, in the form prescribed by the board of county commissioners, of the following items:*

*(d) Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed. Such evidence may include, but shall not be limited to:*

*(I) Evidence of ownership or right of acquisition of or use of existing and proposed water rights;*

*(II) Historic use and estimated yield of claimed water rights;*

*(III) Amenability of existing rights to a change in use;*

*(IV) Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area;*

*(V) Evidence concerning the potability of the proposed water supply for the subdivision.*