

SNAKE RIVER WATER DISTRICT  
Summit County, Colorado

RULES AND REGULATIONS

Revised by the  
Board of Directors  
February 12, 2019

# ARTICLE I

## GENERAL

**1.1 AUTHORITY.** The Snake River Water District (the “District”) is a governmental entity and political subdivision of the State of Colorado with those powers specifically granted, reasonably employed and necessary to carry out the objectives and purposes of the District, as set forth in Title 32 of the Colorado Revised Statutes, as may be amended.

**1.2 PURPOSE.** The purpose of these Rules and Regulations is to provide for the control, management and operation of the water supply, storage, transmission and distribution systems of the District, including additions, extensions and connections thereto.

**1.3 POLICY.** The Board of Directors of the District hereby declares that the Rules and Regulations hereinafter set forth will serve a public use and are necessary to promote the health, safety, and general welfare of the inhabitants and service users of the District.

**1.4 SCOPE.** These Rules and Regulations shall be treated and considered as new and comprehensive as adopted in part or in whole by the Board of Directors of the District and shall supersede all prior Rules and Regulations of the District.

**1.5 INTENT OF CONSTRUCTION.** It is intended that these Rules and Regulations shall be liberally construed to affect the general purposes set forth herein, and that each and every part thereof is separate and distinct of all other parts. No omission or additional material set forth in these Rules and Regulations shall be construed as an alteration, waiver, or deviation from any grant of power, duty of responsibility, or limitation of restriction, imposed or conferred upon the Board of Directors by virtue of statutes now existing or subsequently amended, or under any contract of agreement existing or subsequently amended, between the District and any other governmental entity. Nothing contained herein shall be construed as to prejudice or affect the right of the District to secure full benefit and protection of any law which is now enacted or may be subsequently enacted by the Colorado General Assembly pertaining to the governmental or proprietary affairs of the District.

**1.6 AMENDMENTS.** These Rules and Regulations may be amended, altered, repealed, reinstated or reenacted at any regular meeting of the Board of Directors or any special meeting of the Board of Directors of the District. The Board of Directors may agree to amend the Rules and Regulations through electronic means, including but not limited to a telephone conference or electronic mail, provided that a quorum of the Directors votes on any amendment or other as stated above.

**1.7 VALIDITY.** If any section, subsection, paragraph, clause or other provisions of these Rules and Regulations shall for any reason be held to be invalid or unenforceable by any judicial court with jurisdiction, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provisions shall not affect any of the remaining provisions.

## ARTICLE II

### DEFINITIONS

The following words, when used in these Rules and Regulations, shall have the meanings designated below unless the context expressly requires otherwise:

**2.1 ACTUAL COST.** All direct costs applicable to the construction of a given facility, including, but not limited to, construction, engineering, inspection, plan approval fees, required bonding, easements, “as built” drawings, and other incurred costs necessary for completion.

**2.2 APPLICANT.** Any person, firm, corporation, partnership, association or entity requesting water service from the District for property that is within the boundaries of the District, or any person, firm, corporation, partnership, association or entity seeking water service for property located outside the boundaries of the District. An Applicant must fill out an “Application and Permit for Water Service” as set forth in *Article III* herein. Any Applicant seeking expansion of the boundaries of the District must comply with the provision set forth in *Article III, “Facilities, Charges and District Inclusions”*.

**2.3 APPROVED.** Acceptable under a specification or standard stated in these Rules and Regulations or in the final judgment of the Board of Directors or the District Administrator.

**2.4 APPROVED TESTING AGENCY.** A licensed organization primarily established for the purpose of testing approved standards, as approved by the District Administrator or the Superintendent of Operations.

**2.5 BED SPACE.** For the purpose of calculating Tap Fees for commercial lodging, as set forth in *Appendix A*, Bed Space shall be defined as follows: one single bed shall constitute one (1) Bed Space; one double bed shall constitute one (1) Bed Space; one queen size or king size bed, or any large sized bed, shall constitute two (2) Bed Spaces.

**2.6 BEDROOM.** Any room that may be used as a bedroom, which may include any room with a closet, an attached bathroom or bathroom down the hall. The District will presume a bedroom for any room that can be converted into a sleeping area that may, but not necessarily, have a door attached and a window for egress as defined by Summit County building codes. An office space must have shelves installed and/or other amenities which clearly define it as an office space on the original plans submitted to Summit County and upon final inspection by the District before the issuance of the certificate of occupancy. The District Administrator shall determine whether a room is a bedroom or an office space for purposes of rates and charges by the District, subject to review of the Board of Directors upon appeal.

**2.7 BOARD.** The governing body of the Snake River Water District.

**2.8 BOARD OF DIRECTORS.** The elected officials who constitute the Board.

**2.9 BUILDING WATER SERVICE LINE.** The building water line is that part of the horizontal piping of a water system which extends from the building past the Curb-Stop to

the Water Main or Stub-Out and which receives the water from the District System. The connection of the service lines to the Water Main shall be considered part of the Building Water Service Line. The Building Water Service Line is owned and maintained in its entirety by the Owner of the building on the Premises.

**2.10 BUSINESS DAY.** The term business day means any day other than a Saturday, Sunday or any day designated as a holiday by the Federal Government.

**2.11 COMMERCIAL LODGING.** Commercial Lodging shall include commercial buildings that provide overnight sleeping facilities for transient usage. Commercial Lodging shall include, but not be limited to, hotels, motels, condo-tels, lodges, boarding houses and dormitory units.

**2.12 COMMERCIAL USERS.** A commercial water user is a water service where the water consumption is not utilized by a residential dwelling. Water service lines to a commercial building may provide service to both commercial users and non-commercial users. Commercial Users include, but are not limited to: mixed use commercial buildings, condominiums, spas, recreation centers, hotels, motels, lodges, dormitories, condo-tels, rooming houses, cafes, restaurants, bars, private clubs, gas stations, garages, laundries, hospitals, industrial buildings, office buildings, and any other type of use.

**2.13 CONSTRUCTION STANDARDS.** The construction standards of the Snake River Water District as stated in *Appendix "C", "Construction Standards, Water Mains and Service Lines"* and as interpreted by the District Engineer, District Administrator or Superintendent of Operations.

**2.14 CONTRACTOR.** A person, firm, corporation, partnership, association or other entity which performs work and furnishes materials within or for the District.

**2.15 CROSS CONNECTION.** Any unprotected actual or potential connection or structural arrangement between the District's System or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance not meeting drinking water requirements in these regulations including, but not limited, to bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and any other temporary or permanent devices through which or because of which "backflow" can or may occur.

**2.16 CUSTOMER.** Any person, firm, corporation, partnership, association or other entity authorized to use the water system under a Tap Permit issued by the District, which includes all Owners, Users and Developers (collectively and individually).

**2.17 DEVELOPER.** The landowner, subdivider, agency, corporation, firm, partnership, association, or other entity bearing the actual costs of constructing water lines for a User's System, the District's System as may be required, or other related facilities.

**2.18 DISTRIBUTION LINES.** Water lines twelve inches (12") and smaller in diameter with connections made to a Water Main.

**2.19 DISTRIBUTION SYSTEM.** The network of storage tanks, pipelines, wells and pump stations, and other appurtenances necessary for the delivery of water from the Source to the User's System.

**2.20 DISTRICT.** The District shall mean and refer to the Snake River Water District, a governmental and political subdivision of the State of Colorado as set forth in Title 32 of the Colorado Revised Statutes.

**2.21 DISTRICT ADMINISTRATOR.** The Executive Director of the Snake River Water District responsible for the daily management of the affairs that relate to the District. The District Administrator acts on behalf of the Board of Directors to direct and coordinate the District's financial, legal and administrative policies in a manner that complies with all District legal and administrative requirements as set forth by applicable Colorado statutes and regulations including the State of Colorado Department of Local Affairs. The Administrator is not an employee of the District but shall hold a written contract with the Board of Directors to perform specific duties under his/her own business license. This individual shall be appointed by and accountable to the Board.

**2.22 DISTRICT ENGINEER.** The representative of a firm retained by the District to act as engineer for the District. The District Engineer works in association with the District Administrator and the Superintendent of Operations and is responsible for engineering consultation regarding feasibility studies, design criteria, construction of line extensions, plant expansions, and other items as required by the District and the Board.

**2.23 DISTRICT SERVICE LINE.** The Water Mains, pipes, valves, stops and fittings of the District System terminating at the Stub-Out or other connection to the water line of the User's System.

**2.24 DISTRICT SYSTEM.** The Source facilities, Water Mains, and the Distribution System, which includes all those facilities of the water system owned and operated by the District, including all Meter Assemblies and all of the District's Service Lines connected thereto.

**2.25 INSPECTOR.** That person under the direction and authorization of the District Administrator, Superintendent, or Board of Directors who shall inspect or observe the installation of materials or repairs to any building, water service lines, water mains or water plant. The Inspector shall not be responsible for the schedule, work direction, and safety of the Contractor.

**2.26 METER ASSEMBLY.** The water meter, valves, tailpiece, bypass, yoke, meter setter and other appurtenances which may be connected to the User's System. All Meters and Meter Assemblies are owned by the District.

**2.27 MISCELLANEOUS TERMS.** Any term not herein defined shall be defined as presented on the Colorado Department of Public Health Web Site [www.cdphe.state.co.us/wq/drinkingwater](http://www.cdphe.state.co.us/wq/drinkingwater).

**2.28 OVERSIZED LINES.** Water lines which are increased in size and installed, at the request of the District, with the contemplated purpose of serving more uses than would have been required of the Developer actually installing the lines.

**2.29 OWNER.** Any person, firm, corporation, partnership, association or entity owning real property defined in Section 2.30 herein as the “Premises”.

**2.30 PREMISES.** A parcel of real property which has a valid Tap Permit and receives water service from the District.

**2.31 SHALL.** Whenever “shall” is used herein, it shall be construed as a mandatory direction; whenever “may” is used herein, it shall be construed as a permissible, but not mandatory, direction.

**2.32 SINGLE-FAMILY EQUIVALENT RATING (“EQR”).** A Single-family Equivalent Rating (“EQR”) represents the use which is estimated to have an impact upon the District’s water supply equivalent to a single-family dwelling unit of 3 bedrooms or less. An EQR is equal to three hundred and fifty (350) gallons of water per day as the average use for the peak week of a year. In the District, this gallon calculation is tied directly into various sections of the water rights owned by the District. An EQR may be calculated as a fraction or a multiple of a single EQR, as determined by the District’s Rate Schedule, attached hereto as *Appendix “A”*.

**2.33 SOURCE.** All components of the facilities utilized in the production, treatment, storage and delivery of water to the Distribution System.

**2.34 STUB-OUT.** The section of service line from the District Water Main or the District System as may be installed by an Owner or a Developer. This line, once connected to the User’s System, shall be owned and maintained by the Owner of the property for which the Stub-Out is dedicated.

**2.35 SUPERINTENDENT OF OPERATIONS.** The Superintendent of Operations is responsible for the daily operation and maintenance of the water supply and the District System. This person shall be appointed by and accountable to the Board and shall coordinate its duties with the District Administrator. The Superintendent of Operations is not an employee of the District but shall hold a written contract with the Board to perform specific duties under his/her own business license.

**2.36 TAP.** The physical tie between the District System and the Owner’s water line that connects the User’s System to a potable water supply.

**2.37 TAP CONNECTION FEE.** Fee paid to the District for the necessary inspection of the tap installation, the service line, backfill process and meter installation, as provided in *Article III, “Rules and Regulations”* and *Appendix “B”, “Fees and Charges”*.

**2.38 TAP FEE.** A charge assessed by the District against each single-family equivalent rating (EQR), or any portion thereof, which shall be used to compensate the District for all capital costs of the system associated with the use of a new Tap Permit or expanded Tap Permit.

**2.39 TAP FEE DIFFERENTIAL.** Fee to be paid to the District for any property for which a certificate of occupancy was issued prior to February 12, 2019 (the Cut-Off Date”) as determined and provided in *Article III, “Rules and Regulations”*, and *Appendix “B”, “Fees and Charges”*.

**2.40 TAP PERMIT.** A Tap Permit is written approval of the Board of Directors or the District Administrator to connect to the District System, upon payment of all necessary Tap Fees and Tap Connection Fee by an Applicant. All Tap Permits are granted pursuant to these Rules and Regulations and are deemed to be revocable licenses.

**2.41 TRANSMISSION LINES.** Water lines which are greater than twelve inches (12”) and above in diameter with no customer taps made to the mains.

**2.42 USER.** Any person, firm, corporation, partnership, association or entity to whom water service is supplied.

**2.43 USER FEES.** The quarterly user fee charges for the water service provided to the Premises, pursuant to *Article III, “Rules and Regulations”*, and as calculated as set forth in *Appendix “B”, “Fees and Charges”*.

**2.44 USER’S SYSTEM.** Those parts of the facilities beyond the termination of the District System which are utilized in conveying potable water to the point of use, and which are owned by the Owner of the Premises. The installation, maintenance and repair of any pipes, valves, fittings and appurtenances between the District System and the Premises are the responsibility of the Owner.

**2.45 WATER MAIN.** Any pipe located in the street, alley, right-of-way, or within an easement granted to the District or to the public, which pipe is owned or maintained by the District for the purpose of distributing water to Users and supplying water to fire hydrants.

## ARTICLE III

### *FACILITIES, CHARGES, AND DISTRICT INCLUSIONS*

#### **3.1 OWNERSHIP AND OPERATION OF FACILITIES.**

**3.1.1 RESPONSIBILITIES OF THE DISTRICT.** The District is responsible for the operation and maintenance of the District System but shall not be held liable or responsible for inadequate or interruption of service brought about by circumstances beyond its control. The District is not responsible for any disruption of service caused by any failure in the User's System.

**3.1.2 OPERATION OF DISTRICT FACILITIES.** No person, customer, or other entity, other than duly authorized District personnel, shall operate any valve, fire hydrant, or other District facility, except that fire hydrants may be operated by authorized fire protection personnel.

**3.1.3 INSPECTION POWERS.** The Administrator or Superintendent or any duly authorized agent of the District, bearing proper credentials and identification, shall be permitted to enter upon all User properties during regular work hours for the purpose of inspection, observation, measurement, sampling and testing.

**3.1.4 REVISION, WAIVER AND SUSPENSION OF RULES AND REGULATIONS.** The Board shall have sole authority to revise, waive or suspend these Rules and Regulations at any given point in time. Any such action must be in writing and adopted by a majority of the Board of Directors. Waiver or suspension of these rules for a specified reason shall not be deemed as an amendment to the Rules and Regulations.

#### **3.2 USE OF WATER SYSTEM.**

##### **3.2.1 GENERAL CONDITIONS.**

**A.** No habitable building or building to be used for trade, commerce or industry shall be constructed within the boundaries of the District unless connected to the District System, except as may be approved in writing by the District.

**B.** No Customer shall extend its User's System so as to supply service to the owner or occupant of any other premises. The District may permit this to occur with a temporary extension when service in the short term is not available to a property, for example, in the case of a frozen line.

**C.** Each Owner owns the entire length of the service line from the building where it is attached to the water main. The Owner is responsible for installing and maintaining the entire length of this service line. If a Developer has installed a Stub-Out at the Water Main, the District is not responsible for any deficiencies in construction that may have been overlooked between the Stub-Out and the curb stop and into the



building. Repairing a line, making a street cut and other similar work is not the responsibility of the District.

**D.** Each User shall be responsible for installing a Meter Assembly and, where required by the District, a Backflow Preventor with required accessories at its own expense. The Meter Assembly shall be furnished and owned by the District.

**E.** The construction of any service lines installed by the Customer shall be done in accordance with the Construction Standards of the District attached hereto as *Appendix "C", "Construction Standards"*.

**F.** Only one (1) physical tap to the Water Main shall be allowed per Tap Permit. Not more than one (1) per building or subdivided single-family dwelling shall be allowed to attach to the District System per Tap Permit.

**G.** An individual Premise shall be supplied with only a single service line. In the case of Commercial Lodging buildings, condominiums, apartments and such buildings as are operated as an integrated unit, one line will be installed. It is the responsibility of the building association to pro-rate the water user fee invoice between the applicable units. The District will have only one entity responsible for payment of user fees. If a restaurant is incorporated into a large commercial and multifamily dwelling, the restaurant is required to have a separate line and a separate meter, as set forth in *Appendix "C"*.

**H.** In cases where a lot line is vacated and a structure is constructed on two or more original lots and Stub-Outs have been constructed on each lot, the Owner shall retire the extra Stub-Outs through one of the following options after approval by the District Engineer or the Superintendent of Operations:

1. By physically disconnecting the Stub-Outs at the connection to the Water Main.
2. By digging up and shutting off the corporation stop at the Water Main.

**3.2.2 GEOTHERMAL WELLS.** The District is not responsible for the permitting, construction or operation of geothermal wells. However, any individual that files an application for a geothermal well to be located within the District boundaries must provide such application to the District at the same time it is submitted to the appropriate state agency.

### **3.3 RATES & CHARGES.**

**3.3.1** The information contained in this section is pertinent to all charges of whatever nature to be levied for the provision of water service. The rates herein established are in existence and effect at this time and shall remain in effect until modified by the Board under the provisions of these Rules and Regulations. Nothing contained herein shall limit the Board from revising rates and charges, or from modifying any classifications.

**3.3.2** The rates, fees, charges and other information shown herein shall apply to customers within the District boundaries.

**3.3.3** For the purpose of levying fair, reasonable, uniform and equitable charges, the following classifications and appropriate definitions are provided. In the event any of these uses are changed, a further Tap Fee will be levied against the units for the difference between the amount paid for the original Tap Fee and the current Tap Fee charge, as set forth herein. Any User Fees will also be adjusted accordingly when there is a change in use for the Premises. The applicable charges for Tap Fees, and calculation of EQR's, for the following classifications are set forth in *Appendix "A"*, "*Rate Schedule*" attached hereto.

**A.** A Single-family Dwelling is defined as a living unit suitable for occupancy of one or more individuals of a family and forming a separate structure from any other dwelling unit and consisting of one (1) or more habitable rooms arranged, occupied, or intended or designed to be occupied by not more than one (1) family, including one (1) family's facilities for living, sleeping, cooking and eating. Additional fees shall be due for dwelling units over three (3) bedrooms and for additional water facilities, as set forth in *Appendix "A"*.

**B.** A Multiple Family Dwelling is defined as a single structure or structures otherwise unattached to any other dwelling unit, and wherein more than one (1) single-family unit exists. Such dwellings include, but are not limited to, duplexes, triplexes, town homes and condominiums. See *Appendix "A"*.

**C.** Commercial Lodging is defined in *Article II "Rules and Regulations"* herein. The Tap Fee and charges set forth herein for Commercial Lodging units shall be levied only for the rooms, charged per Bed Space, and does not include charges for attendant facilities included at Commercial Lodging buildings such as, but not limited to, kitchenettes in the bedrooms, restaurants, bars, swimming pools, hot tubs, indoor Jacuzzis, jetted tubs in the units, additional retail outlets, and laundry facilities. Rates on attendant facilities are set forth in *Appendix "A"*.

In the event that any Commercial Lodging use is changed to a permanent dwelling unit a further Tap Fee will be levied against such units for the difference between the amount originally paid for the Tap Fee and the current charge for a dwelling unit. The User Fees will further be adjusted accordingly.

**D.** Mobile Home is defined as any unit capable of being transported on wheels behind a standard power unit, and which can be moved on normal streets, roads and highways. Said unit must be suitable for living quarters and provide for normal domestic water conveniences.

**E.** Cafes, Restaurants, Bars and Private Clubs are defined as any establishment providing food or beverage service to the general public or to provide membership, and whereby charges for such services of goods and

beverages are secured. Such units shall be classified by seating capacity, as set forth in *Appendix "A"*.

**F.** Gas Station and Garages are defined as service outlets providing for the repair or servicing of motorized vehicles. This definition does not include automatic washing or wash-rack facilities. See specifications of the District hereto attached as *Appendix "A"*.

**G.** Laundries are defined as public facilities containing coin operated laundries and drying facilities for clothing and textile usage. This definition does not include laundry facilities at a separate location or inside Commercial Lodging facilities. The EQR's for laundries are calculated on a per machine basis, as set forth in *Appendix "A"*.

**H.** Schools are defined as any private or public institution established and utilized for the instruction of any individuals, and where said units are to be in operation for a period of three (3) months or longer Charges will be based on student enrollment as determined from a five year average enrollment.

**I.** Hospitals are defined as either private or public institutions with overnight facilities provided for serving medical patients. Charges shall be based on a per Bed Space basis.

**3.3.4** A Tap Fee shall be charged at such time as a building permit is obtained. User Fees shall be charged on a quarterly basis once a Certificate of Occupancy is obtained by the Owner. User Fees shall be based upon total EQR's as calculated pursuant to *Appendix "A"*, "*Rate Schedule*" and the "Application and Permit for Water Service," times the base charge for one (1) EQR, as set forth in *Appendix "B"*, "*Fees and Charges*".

**3.3.5** It is the policy of the District to assess User Fees on a quarterly basis as payable in advance. Each quarter, once meter readings are obtained, the consumption of all gallons consumed over the base allowable gallons shall be invoiced in arrears on that same quarterly invoice. Base allowable gallons are computed as total EQR billed times 15,000 gallons for each EQR.

**3.3.6** Statements for User Fees shall be rendered on a quarterly basis. Charges for late payments, turn on, turn off, and all other similar fees as set forth in these Rules and Regulations, and as allowed by Colorado statute, shall be added to the quarterly bills. Invoices will be mailed by the second week of each quarterly period and shall be payable in full thirty days after the invoice date. Any water service charges remaining unpaid after thirty days shall be charged interest at the rate of one percent (1.0%) per month, twelve percent (12%) per annum. Section 32-1-1006(d), Colorado Revised Statutes.

**3.3.7** The District has the right to assess to any Customer who is delinquent in payment of its account all legal fees, disconnection fees, and other costs and fees necessary to or incidental to the collection of said delinquent amounts, in addition to all other remedies as may be provided by law.

**3.3.8** If any Customer has an outstanding bill for User Fees or other charges that is more than sixty (60) days delinquent, the District may proceed as follows:

**A.** The District shall deliver to the delinquent Customer, personally or by prepaid mail, a shut-off notice (“Shut-Off Notice”). The Shut-Off Notice will require the delinquent bill to be paid within fourteen (14) days of date of mailing or hand delivery of the Shut-Off Notice. If the bill has not been paid and if neither the Owner nor the occupant of the Premises can be located for service of the Shut-Off Notice, it shall be lawful for the District to attach the Shut-Off Notice to the front door of the Premises.

**B. From the time the shut-off notice is mailed or delivered, the** District will allow 14 days for payment on a delinquent account. If payment is not received during this time, the District Administrator will authorize the Superintendent of Operations to shut off the water service to the Premises at any time thereafter. The District will not be responsible for any damage to the Premises, including frozen or broken water lines, because of shut-off. The District Administrator will notify the Fire Department that the house is no longer serviced by water for any sprinkler system and assess fees as follows in item “C” herein.

**C.** There shall be a charge for delivery or posting of the first shut-off letter delivered in the amount of Twenty-Five Dollars (\$25.00). For each successive Shut-Off Notice delivered thereafter related to the same Premises, there shall be a charge to the Owner of Fifty Dollars (\$50.00). If the Customer cures the outstanding delinquency, the District will assess a Seventy-Five Dollars (\$75.00) reconnection fee for reinstatement of service.

**D.** The Owner, or current occupant, of the affected Premises shall have the right to request an informational hearing before the District Administrator, or a duly authorized representative thereof who is sanctioned by the Board, to make adjustments or establish a payment schedule for any delinquent amounts. It is not the general policy of the District to issue a note or payment schedule for delinquent charges, and such actions may be taken at the sole and complete discretion of the District Administrator or the Board of Directors. Examples of reasonable requests may include active military service or undue financial distress. A request for payment schedules or a Note Payable must be made within seven (7) days after time of service of the Shut-Off notice. Any payment schedule can be charged interest at the rate of one percent (1.0%) per month, twelve percent (12%) per annum. Section 32-1-1006(d), Colorado Revised Statutes.

**3.3.9** Until paid, all User Fees, Taps Fees, interest, and other charges shall constitute a first and perpetual lien on and against the Premises, and any such lien may be foreclosed as provided by Colorado law.

**3.3.10** User Fees are based on continuous, year-round occupancy. The District builds and operates its facilities based on peak water use, and all Tap Fees and User Fees are

calculated based on peak demand. Owners of Premises temporarily unoccupied must continue to pay User Fees for water service and to maintain fire protection. No Owner or User of a single-family residence can apply to the District for discontinuance of service, no matter the length of time the property may be unoccupied.

In the case of Commercial Users, if a change in operations results in a temporary reduction in the need for the total number of EQR's, the Customer must pay User Fees for all EQR's held by that Customer. If said change in operations is to be for an extended period of time, or such change is permanent, the Customer shall notify the District Administrator of such change, which will relieve the Customer of the immediate obligation to continuously pay said User Fees based upon on the number of EQR's discontinued, subject to the alternatives listed below.

**A.** The Customer wishes to Discontinue Service and does not wish to pay User Fees. The District will notify Lake Dillon Fire Rescue if sprinklers are located in the building and shut off will affect fire protection. Shut off will not commence if Lake Dillon Fire Rescue does not approve.

**B.** Interest accrues at 1% a month compounded quarterly on all current User Fees until the Customer decides whether to abandon the Tap Fees or reinstate service at a future date. All current User Fees plus accrued interest must be paid in full before service will be re-instated. If User Fees increase, the new User Fees will be subject to interest of 1% and subject to compounding interest. The turn on/off fee is Fifty Dollars (\$50.00). Under this scenario, in order to re-establish use, the Customer can pay the lesser of previous User Fees with compounded interest, or the total Tap Fee as computed for all EQR's established per building and charged per single invoice for the Premises.

**C.** Tap Fee Differential, as are further described in *Appendix "B", "Fees and Charges"*, are applicable to all Tap Fees purchased before February 12, 2019 (the "Cut-Off Date"). The Customer must pay the delinquent User Fees plus accrued interest until the amount reaches \$8,500 per EQR. For commercial properties, the total amount due the District per building before the Customer is required to pay the differential will be based upon total EQR as billed quarterly by the District plus accrued interest. For example, a Customer has 4 EQR in a building, the total past due amount including interest would have to reach \$34,000 before the current differential charge of \$2,500 per EQR based on the 2/12/19 rate increase per EQR would be assessed. If any payment is not received hereunder, the Taps shall be considered abandoned.

**D.** The Customer may, with advance notice to the District, fully abandon the connections to the District System and no longer be subject to User Fees. At this point, EQR are abandoned and may not be transferred to any other property in or outside the District.

### **3.4 PURCHASE OF TAP FEES.**

**3.4.1 APPLICATION AND PERMIT FOR WATER SERVICE.** Before any connection is made to the District's System, an "Application and Permit for Water Service" ("Application") shall be obtained from and submitted to the office of the District Administrator. This Application shall be signed by the Applicant in the presence of the District Administrator or other duly authorized personnel. The Applicant must bring in a copy of the signed and reviewed building plans from Summit County. During a review of these building plans, the District Administrator or authorized individual will use such plans and the Application to compute total EQR for the proposed project. All building permits from Summit County will have weather related date limitations for excavation or installation of water main or service line stamped on the face of the permit at the time the permit is issued by the District.

**3.4.2 TAP FEE.** The Tap Fee shall be paid when the District approves the building permit issued by Summit County. A Tap Permit will only be granted when Summit County has issued a building permit. No Tap Fee shall be paid, or Tap Permit granted at an earlier time, such as when a Developer obtains a foundation or grading permit from Summit County.

**3.4.3 CHANGE OF USE.** When buildings are intentionally moved, destroyed, remodeled, or renovated for a new use, the original number of EQR previously purchased for the Premises will be credited toward the Tap Fee due on the new use or structure, provided User Fees for the original number of EQR are paid continuously during the period of non-use or the User has otherwise complied with the provisions of Subsection 3.3.10 above and *Appendix "B", "Fees and Charges"* regarding differential charges.

**A.** It shall be the responsibility of the Customer to establish the number of Tap Fees and EQR originally purchased for the previous use or structure to be credited against the new use or structure. If the Customer is not able to establish records, the District may at its discretion use the total EQR on the most recent bill as proof of the EQR previously purchased.

**B.** If multiple buildings are located on a single tract of land, as defined in the Summit County GIS mapping system, then EQR are to be credited to a new structure based upon the date the building permit is obtained by the Developer and approved by Summit County. The dollar amount of EQR to be credited are based on the order of destruction and tear down of the applicable building. If all buildings on a single tract of land are not demolished simultaneously, then EQR are not credited to the new facilities immediately. The Developer shall present to the District Administrator a project demolition/reconstruction schedule to help facilitate the time line for the revised Tap Fee due and EQR credits. All demolition projects are subject to Tap Fee Differential credit as approved by the Board set forth in *Appendix "B", "Fees and Charges"*.

C. In the event the new use or structure does not require the use of all the original EQR purchased, then all additional EQR over and above those needed for the new use or structure may, at the User's option:

1. be maintained by the User complying with the provisions of Section 3.3.10 above; or
2. terminated.

D. The District shall not refund any Tap Fees previously collected for those EQR terminated under the provisions of this section but will only charge the remaining EQR for calculation of User Fees.

**3.4.4 CONNECTION FEE.** A Tap Connection Fee, as provided in *Appendix "B", "Fees and Charges"*, shall be paid for each physical connection or inspection thereof. The Tap Connection Fee shall be paid to the District as the time of the issuance of the building permit from Summit County Building Department and is considered in the calculation of the "Application and Permit for Water Service."

**3.4.5 REVOCATION OF PERMIT.** Any Tap Permit may be revoked, and the User's System may be disconnected from the District System at the expense of the Customer, if the installation or use of a water service line is not constructed or utilized in strict accordance with these Rules and Regulations, or any prescribed specification of the District or any governing rules of the District.

**3.4.6 TRANSFERABILITY OF EQR.** EQR that have been paid for are usable only for service to the Premises or property intended at the time of the original building permit and purchase and payment of the Tap Fee. EQR may not be transferred for use on property other than the Premises, within or outside of the District boundaries, regardless of common ownership.

### **3.5 INCLUSIONS.**

**3.5.1 DISTRICT BOUNDARIES.** All inclusions of territory to the District shall be governed by Sections 32-1-401 and 32-1-402, Colorado Revised Statutes. These statutes are available to any Owner of property that seeks inclusion in the District's service area upon request to the District Administrator.

**3.5.2 GENERAL POLICY.** The following Article is the resolution adopted by the Board of Directors on March 12, 2008, concerning the dedication of water rights or the payment of cash in lieu of water rights: (A) as a condition of inclusion in the District's service area, or (B) as a condition of water service for new development or redevelopment within its service area that will require an increase in water use or a new water use not covered by existing taps or zoning. For any redevelopment, this condition applies only to the difference between the projected increased water demand and the pre-redevelopment water demand. For example, if the pre-redevelopment demand for a particular parcel of property is five consumptive acre-feet and the projected redevelopment water demand will increase demand to six consumptive acre-feet, the increase of one consumptive acre-foot will be subject to this water dedication policy. The

increase may be as a result of increased density, increased landscaping, or any other change in land use or zoning that increases the water demand from the pre-redevelopment demand. There may also be situations where the water rights dedication or payment of cash in lieu is based on the diversion demand, not just the consumptive use of the water demand. The necessity of additional water rights or payments of cash in lieu of water rights is not intended to put undue financial stress upon any applicant for water service, but is simply a recognition of the limited water resources available to the District to meet water demands that were not specifically projected at the time of the District's formation. This general policy is effective as of the date of this Resolution.

**3.5.3 APPLICABILITY.** This policy shall apply to: (A) to all new development or redevelopment within the District's service area that will require an increase in water use or a new water use not covered by existing taps or zoning, and (B) to all properties not currently within the District's service area, as defined by District Map dated December 2018. Any party that seeks water service under this policy is referred to herein as "Applicant."

**3.5.4 DEDICATION OF WATER RIGHTS.** Any dedication of water rights under this policy must provide the District with a dependable legal supply of water, acceptable to the District's Board of Directors, equal to one hundred and twenty percent (120%) of the water rights necessary to service the new or increased water requirements associated with the new development or redevelopment, or property not currently within the District's service area. For example, if the District agrees to accept a dedication of water rights for a new or increased water requirement of 1 consumptive acre-foot, the applicant would be required to dedicate a dependable legal supply of water in the amount of 1.2 consumptive acre-feet (120% of the increase in demand of one acre-foot). Any water right proposed to be dedicated to the District to meet this requirement must be of sufficient priority and appropriately located as to meet the District's needs. All water dedication agreements or contracts between any Applicant and the District that are executed under this policy shall be at the discretion of the District.

**3.5.5 CASH IN LIEU.** A cash payment may be accepted by the District in lieu of a dedication of water rights, at the District's sole discretion. All water dedication agreements or contracts between any Applicant and the District that provides cash in lieu of water rights under this policy shall be at the discretion of the District and shall be subject to the following additional conditions:

**A.** The District has sufficient water rights to meet the new water service obligation, or the cash can be utilized by the District to develop and/or acquire additional water supplies sufficient to meet the new water service obligation.

**B.** The Applicant does not have access to the type of water rights that meet the District's criteria for acceptance of water rights.

**C.** The water rights appurtenant to the land to be served have been previously severed.

**D.** Cash payments shall be based on 120% of the projected new or



increased water use.

**E.** Cash payments shall be valued at the current market value of firm annual yield of in-basin storage but shall not be less than forty thousand dollars (\$40,000.00) per consumptive acre-foot of water.

**3.5.6 PAYMENT OF COSTS.** All payment of costs regarding water dedication agreements or contracts between an Applicant and the District under this policy shall be subject to the following conditions:

**A.** In addition to the dedication of water rights under Section 3.5.4 or cash payments under Section 3.5.5, Applicant shall be required to pay the District for all legal, engineering, and other costs incurred or which may be incurred by the District to evaluate and/or adjudicate any augmentation plan or other water court application, if necessary, to provide new or increased water service to any Applicant's property.

**B.** Where an engineering or legal evaluation is required by the District to implement the terms of this policy, the Applicant will be required to deposit with the District an initial fee of no less than \$5,000 to pay for the cost of such evaluation. The initial deposit shall be used to pay the costs of staff, legal consultants, engineering consultants, and other expenses that may be incurred by the District. These costs are separate and distinct from any other Tap Fees and other charges applicable to the development. This cost reimbursement charge is not related or credited to any other fee of the District. Deposit amounts in excess of the actual cost of the analysis will be refunded to the proponents of the development. A good faith effort will be made to generally account for the costs incurred, but the District shall not be obligated to provide a specific accounting of costs, but only a generalized estimate.

**3.5.7 PETITION FOR INCLUSION.** For any Applicant that seeks water service for property located outside the District's boundary, a Petition for Inclusion ("Petition") in the District's service area shall be submitted to the District Administrator. The Applicant must sign and notarize the Petition (two (2) Copies) which shall be accompanied by a non-refundable payment as stated in *Appendix "B", "Fees and Charges"* to cover the up-front fees and expenses of the District's staff, attorney, engineers and publication costs. This payment is separate and distinct from the \$5,000.00 described in Section 3.5.6(B) above. Said Petition must include a report by a water resource engineer detailing the water service requirements of the property, and a certification by the Applicant that the Applicant has the ability to either dedicate sufficient water rights to the District or to submit a cash payment in lieu of water rights to the District under the terms set forth in this Article. Said Petition must include a legal description of the property proposed to be included in the District's boundary. If the property is not subdivided, a metes and bounds description is required, as well as a total measurement of the land area to be included. Said Petition shall also include a map of the property to be included, containing accurate U.S.G.S. contours (2 ft. interval) in a scale that is not smaller than 1 inch = 50 feet. The water resource engineering report to be submitted with the Petition shall contain thorough responses to the following questions, in addition to responses to any water demand

questionnaires that may be adopted by the Board from time to time:

1. What is the current zoning of the property?
2. What is the anticipated development for the property? (i.e. the number and size of dwelling units, size of irrigated lawns and open space areas, and the extent and nature of any commercial uses)
3. What are the water diversion requirements for the anticipated development, including the peak flow requirements, and the resulting consumptive use of water in average and below average years?
4. What are the fire flow requirements for the planned development based on the wild land fire requirements? (This information can be obtained from the Fire District.)

**3.5.8 PUBLIC HEARING.** Upon receipt of a complete Petition for Inclusion, the Board of Directors shall set a date for a public hearing. After the public hearing has been scheduled, legal notice shall be published for three (3) consecutive weeks. The public hearing shall be held and the Board of Directors shall, approve with conditions, or disapprove the inclusion of property. If approved, an Order for Inclusion of Property and Notice for the District Court shall be prepared by the District Administrator and signed by the District Chairman or Vice Chairman and attested by the Secretary. These documents shall then be filed with the District Court and copies forwarded to the appropriate state and county agencies by this District.

**3.5.9 CONSTRUCTION STANDARDS.** Please refer to *Appendix "C", "Constructions Standards", Section 1.4* for the *Procedure for Water Main Extension by Developers* for property located outside of the District boundaries.

### **3.6 RESPONSIBILITY OF THE CUSTOMER.**

**3.6.1 WATER SERVICE LINE.** Each Owner shall be responsible for installing and maintaining the entire length of the water service line. This line extends from the Premises past the curb stop to the Water Main or Stub-Out. Leaks or breaks in the User's System shall be repaired by the Owner within a reasonable period not to exceed seventy-two (72) hours from the time of notification of such condition to the District.

**3.6.2 REPAIR TO USER'S SYSTEM.** If satisfactory progress toward repairing the said leak has not been accomplished within seventy-two (72) hours, the Superintendent of Operations shall shut off service to the affected Premises until the leaks or breaks have been repaired. If the User's System cannot be shut off, or if the leak is between the Water Main and the service valve, the District may contract with others to repair the leak. In this instance, the Owner or User will be billed for this repair with payment due within thirty (30) days of the date of the invoice. If not paid, the District may shut off the water service to the Premises until the charges are paid. In addition, the District may pursue any other remedies as set forth in these Rules and Regulations or established by Colorado law.

### **3.7 TAMPERING WITH THE DISTRICT SYSTEM.**

**3.7.1** No unauthorized person shall uncover, make any connection with, or open into use, alter, or disturb any Water Main or appurtenances of the District System without first obtaining a written permit from the District. The District shall have the right to correct, reverse, or undo anything done in violation of this Section 3.7 at the expense of the violator, and may suspend or terminate water service to the violator for as long as may be reasonably necessary for the protection of the District System and other users thereof.

**3.7.2** No person shall maliciously, willfully, or negligently, break, damage, destroy, uncover, deface or tamper with any portion of the District System including Meter Assemblies. Any such violation may be referred to the District Attorney for prosecution.

**3.7.3** Any person notified by the District of any violation of the provisions of this section shall have the violation disconnected, repaired or ceased within seventy-two (72) hours of said violation, unless said notification specifies a longer time frame. If satisfactory progress toward correction of the violation is not made in the time specified, the Superintendent of Operations shall have the authority to repair the violation or disconnect service to the Premises at the violator's expense. Reimbursement to the District of the costs therefore shall be pursuant to Section 3.6.2.

**3.7.4** Any person who violates the provisions of this section shall be immediately fined Five Hundred Dollars (\$500) by the District and may be charged with a misdemeanor and upon conviction thereof, shall be fined in an additional amount as established by the responsible court for such violation.

### **3.8 TEMPORARY WATER SERVICE.**

**3.8.1** Temporary water service is available from the District between May 1<sup>st</sup> and October 1<sup>st</sup> of any year. A Customer may receive temporary water service from the District through a fire hydrant when the following conditions are met, and use of a hydrant without meeting these conditions shall constitute tampering in violation of Section 3.7 herein:

**A.** The Customer's use of the water is within the boundaries of the District, unless specifically waived by the District.

**B.** The Customer receives written permission and obtains signoff from the Lake Dillon Fire Rescue to use a specified hydrant.

**C.** The Customer contacts the District Administrator or Superintendent of Operations at least seventy-two (72) hours in advance of required service.

**D.** The Customer shall furnish all necessary hoses and equipment after the Meter Assembly, including any required backflow prevention device.

**E.** The Customer shall not operate the hydrant, but only the control gate valve on the Meter Assembly.

**F.** A connection fee of \$50 will be charged per connection and a transfer fee of \$10 for each move of the meter from one hydrant to another under the same permit. No fee is charged for the removal of the hydrant. Meter Assembly moves shall only be made by authorized staff of the District. In addition, the Customer shall be charged \$4.00 per thousand gallons of water use.

**G.** A deposit of \$300 shall be made for all non-District customers for the service. This fee may only be waived by authorized District staff.

**H.** Temporary service is limited to a period of 30 days unless a longer period is duly authorized by the District Administrator or Superintendent of Operations.

**I.** Temporary water service Customer is responsible for any damage to the hydrant, Meter Assembly or other District's facilities. These repair costs shall be deducted from the deposit, if any, or billed directly to the Customer.

### **3.9 FIRE PROTECTION.**

**3.9.1** The fire demand water provided by the District are general guidelines and for site specific occurrences these available fire flow figures listed below may vary. Special circumstances may occur or exist that may limit these flows.

<u>Area</u>	<u>Demand</u>
Base I	2500 GPM
Base II	3000 GPM
Base III	3000 GPM
Base IV	3000 GPM

If any structure constructed in the District requires fire demand water in excess of the above amounts, the Developer, User or Owner of the Premises shall be responsible for the cost of providing excess fire demand water, or such party shall be responsible for the cost required to bring the structure within the fire demand water requirements of the District.

**3.9.2** The location, number and type of fire hydrants required for new construction shall be subject to approval by the Lake Dillon Fire Rescue and the District. All hydrants required to serve new construction shall be installed at the expense of the Owner of the property. Properties in the North Fork and North Fork Reserve will have limited water pressure and water flow and these demand flows are not applicable to properties in those areas.

### **3.10 ALTERATIONS AFFECTING EQR CALCULATION.**

- 3.10.1 For the purpose of this section 3.10 and section 3.11, "alterations" shall include a change in the use of a Premises or any part thereof (including a change from undesignated commercial use to a designated commercial use), a change in the number of Plumbing Facilities associated with a Premises, or a change in any of the criteria listed in Appendix A or Appendix B herein which the District uses to convert a Premises to EQR (*e.g.*, number of bedrooms and bathrooms, area, hot tubs, etc.).
- 3.10.2 An Owner is required to notify the District Administrator in advance and in writing of any alterations that are proposed to his Premises that is connected or is to be connected to the District's Facilities and shall submit plans of such proposed alterations. If the alteration is substantial, the Administrator shall re-evaluate the EQR associated with the entire Premises, as proposed to be altered. If the alteration is not substantial, the Administrator shall re-evaluate the EQR associated only with that part of the Premises being altered. The re-evaluation in either case shall be made using the SFE Unit Conversion Schedule in effect at the time of the re-evaluation.
- 3.10.3 If the re-evaluation results in a finding by the Administrator that the number of EQR for the Premises, as proposed to be altered, is greater than the number of EQR assigned to that Premises based on previously paid plant investment fee(s), then the Owner shall be required to pay an additional Tap Fee ("Additional Tap Fee"). The Additional Tap Fee shall be determined by multiplying the Unit EQR Rate in effect at the time of re-evaluation by the difference between the number of EQR for the Premises, as proposed to be altered, and the number of EQR assigned to that Premises based on previously paid Tap Fee(s) ("Tap Fee Differential"). The Additional Tap Fee shall be calculated by multiplying the Tap Fee Rate in effect under these Rules at the time of such evaluation, times the Tap Fee Differential. The Additional Tap Fee shall be paid prior to the time of making the proposed alteration.
- 3.10.4 If the re-evaluation results in a finding by the Administrator that the number of EQR for the Premises, as proposed to be altered, is equal to or less than the number of EQR assigned to that Premises based on previously paid plant investment fee(s), then no Additional Tap Fee will be required for the Owner to implement the alteration. The District will not be obligated to reimburse the Owner for the Tap Fees associated with the difference between the number of EQR assigned to that Premises based on previously paid Tap Fee(s) and the number of EQR for the Premises, as proposed to be altered. The number of EQR assigned to that Premises based on previously paid Tap Fee(s) and the previously paid Tap Fee(s) associated with those EQR shall remain with the lot or parcel on which the Premises is located.

3.10.5 All determinations necessary under this section 3.10 shall be made by the Administrator. The determinations made by the Administrator may be appealed to the Board at its next regular meeting by filing a written appeal request prior to such meeting as provided herein and in the District Bylaws.

### **3.11 CONNECTION APPROVAL LIMITATION**

3.11.1 The District's approval of a connection to its Facilities and the District's determination of the number of EQR associated with the connected or to be connected Premises are conditioned on the continued validity of the plans furnished to the District, the representations made to the District, and/or the inspections made by the District upon which such connection approval and EQR determination were made.

3.11.2 If, subsequent to an EQR determination upon which a Premises connection approval is based, the Owner of such Premises, or his representative or successor in interest, makes alterations to the Premises without complying with the provisions of section 3.10, which alterations result in a "subsequent EQR determination" (as described below) that is greater than the District's prior EQR determination for that Premises, then, except as provided in section 3.11.5, the District connection approval shall terminate, such termination to commence on the first day that any part of such altered Premises is utilized (hereinafter "Termination Date"). The continued use of the District's Facilities by such Premises shall constitute a violation of the District's Rules and Regulations and the Owner of such Premises shall be subject to:

- A. discontinuance of service;
- B. the unpaid Tap Fee and "monthly user fees" attributable to the difference between the subsequent SFE determination and the prior SFE determination; and
- C. a penalty for each day of such continued use after the Termination Date in an amount up to, but not to exceed \$500 per day.

3.11.3 If the alteration is "substantial" as determined by the District Administrator, the subsequent EQR determination shall be the number of EQR associated with the entire Premises, as altered, using the SFE Unit Conversion Schedule in effect on the Termination Date.

3.11.4 If the alteration is not "substantial" as determined by the District Administrator, the subsequent EQR determination shall be the number of EQR associated with the unaltered part of the Premises, as previously calculated in the prior EQR determination, plus the number of EQR associated with the part of the Premises that has been altered using the SFE Unit Conversion Schedule in effect on the Termination Date.

3.11.5 Application for, and the determination on, reinstating connection approval of a Premises whose connection approval has been terminated pursuant to section 3.11.2 shall be made as provided herein. Prior to any connection approval reinstatement, the Owner shall pay all applicable discontinuance charges, the unpaid Tap Fees and unpaid monthly service fees, and all penalty assessments.

- A. The unpaid Tap Fee shall be the greater of:
  - 1. the Unit Tap Fee Rate in effect on the Termination Date times the difference between the subsequent EQR determination and the prior EQR determination, plus simple interest on that amount at the rate of twelve (12) percent per year from the Termination Date to the date of unpaid Tap Fee payment; or
  - 2. the Unit Tap Fee Rate in effect on the date of unpaid Tap Fee payment times the difference between the subsequent EQR determination and the prior EQR determination.
  
- B. The unpaid monthly service fees shall be the sum of all the monthly service fees from the Termination Date to the date of unpaid monthly service fees payment that would have been assessed against the Premises if the District had known about the alterations less the monthly service fees for the Premises actually received by the District since the Termination Date, plus simple interest on that amount at the rate of twelve (12) percent per year from the Termination Date to the date of unpaid monthly service fees payment.

3.11.6 The provisions of sections 3.11.2 through 3.11.4 shall not apply in situations where: (a) the District discovers that an alteration or alterations to a Premises has/have been made subsequent to an EQR determination upon which that Premises connection approval is based without complying with the provisions of section 3.10, and such alteration(s) results in an "new EQR determination" (as described below) that is greater than the District's prior EQR determination for that Premises; but (b) the current Owner demonstrates to the District through a sworn affidavit or other evidence that the alteration or alterations in question did not occur during the time of his/her/its ownership of the Premises. Instead, the following will apply:

- A. The new monthly service fee for the Premises, based on the new EQR determination, will be charged and due beginning on the date of the District's discovery of the alteration(s) ("Discovery Date").
- B. The additional Tap Fee attributable to the new EQR determination shall be calculated by multiplying the difference between the new EQR determination and the prior EQR determination for the Premises times the Unit Tap Fee Rate in effect on the Discovery Date; and that additional Tap Fee is currently owed against the Premises but will not be due until such time as (1) any future alteration (as defined in section 3.10) is made to the Premises; or (2) the Premises is under contract for sale, at which point the collection process set forth in Appendix A, Note G, shall be implemented.

- C. No interest or penalties will be assessed for such circumstances.
- D. The new EQR determination shall be made as follows:
  - 1. If the alteration or alterations in question is/are "substantial" as determined by the District Administrator, the new EQR determination shall be the number of EQR associated with the entire Premises, as altered, using the SFE Unit Conversion Schedule in effect on the Discovery Date.
  - 2. If the alteration or alterations in question is not "substantial" as determined by the District Administrator, the new EQR determination shall be the number of EQR associated with the unaltered part of the Premises, as previously calculated in the prior EQR determination, plus the number of EQR associated with the part of the Premises that has been altered using the SFE Unit Conversion Schedule in effect on the Discovery Date.

3.11.7 All determinations necessary under this section 3.11 shall be made by the Administrator. The Administrator's determinations may be appealed to the Board at its next regular meeting by filing a written appeal request prior to such meeting as provided herein. The Administrator may waive any interest or penalties provided for herein for good objective cause. The Administrator may also recommend waiver of any application of these provisions for good, objective cause, subject to final review and approval of the Board at a public meeting.

3.11.8 Inspection/Self Reporting. The District reserves the right to take any reasonable actions of inspection or monitoring to ensure compliance with these Rules and to enforce the amount due for any EQR underreporting or Tap Fee Differential. These measures may include formally reporting such concerns to a title company as part of any closing review conducted by the District; distributing self-reporting forms and sworn statements from any owner in an effort to assess any underreporting of EQR throughout the District; and scheduling inspections of any Premises in furtherance of these provisions, in accordance with the allowance for inspection set forth in these Rules.



**ARTICLE IV**  
*PENALTIES AND SEVERANCE*

**4.1 LIABILITY.** Any person violating any of the provisions of these Rules and Regulations, or whose acts cause the District to violate the terms of its permits or any other regulation or statute, shall become liable to the Board of Directors of the District for any and all expense, including attorney's fees, losses, damages, and fines occasioned by reason of such violation and any and all applicable interest charges, as defined by Section 32-1-1006 (1) (d), Colorado Revised Statutes.

**4.2 VIOLATIONS.** Any person found to be violating any of the provisions of the Rules and Regulations shall be served with written notice stating the nature of the violation and providing a reasonable time not to exceed thirty (30) days for satisfactory correction of the violation. Any person who shall continue any violation beyond the time limit provided in said notice shall be charged under the appropriate laws of the State of Colorado and upon conviction thereof shall be fined an amount as established by the court of this state for each violation.

**4.3 DISCONNECTION.** In addition to and notwithstanding any other provisions of the Rules and Regulations, the District may, at its option, disconnect the water from any property owned by any person paying scheduled charges for service from the District. The cost of the disconnection and severance from the water system shall be charged against the property formerly served by the District and until paid shall constitute a perpetual lien which shall be collected in the same manner as provided herein for the collection of rates, tolls, fees, and charges, interest or as otherwise provided by law.

**ARTICLE V**  
*EFFECTIVE DATE*

These Rules and Regulations of the Snake River Water District affect the health, safety and general welfare of the inhabitants' water usage of the District; therefore, the provisions hereof shall have full force and effect upon the date of their adoption by a quorum of the Board of Directors.

Originally adopted the 13th day of March 2012 by the Board of Directors of the Snake  
River Water District

Revised by the Board of Directors of the Snake River Water District on February 12, 2013  
Revised again by the Board of Directors of the Snake River Water District on February 12, 2019

## APPENDIX A

### RATE SCHEDULE SINGLE-FAMILY EQUIVALENT RATING

Tap Fee and User Fee charges are based on a Single-family Equivalent Rating (EQR) of a one, two or three bedroom single-family residence. EQR's are based upon District water rights calculations at 350 gallons per day per EQR.

- 1.1. SINGLE-FAMILY DWELLING UNIT.**
- Per unit 1.00 EQR  
(includes one/two/three bedrooms)  
*See Article II, Section 2.6, for definition of "bedroom"*
- a. over three (3) bedrooms, add .10 EQR per bedroom
- b. studio/mother-in-law attached to single-family home with outside entrance. Add .10 EQR over 1 bedroom .80 EQR
- c. additional laundry facility – one charge all laundry facilities over one (1) .15 EQR
- d. kitchenette (any dishwasher, refrigerator, small sink) located in dwelling in additional location, (e.g.) family room or home theatre. .15 EQR
- e. hot tubs and indoor jetted tubs etc. (*See 1.27. herein*)
- 1.2. MULTIFAMILY DWELLINGS.**
- Includes Condominiums and Condo-Tel units per unit 1.00 EQR
- a. over three (3) bedrooms, add .10 EQR per bedroom
- b. studio or one (1) bedroom unit 1.00 EQR
- c. addition for clubhouse @ .40 EQR / 1000 sq feet
- d. addition for office space @ .40 EQR / 1000 sq feet
- e. pools and hot tubs additional (*See 1.26 and 1.27 herein*)
- f. addition for retail space @ .50 EQR/1000 sq feet
- 1.3. HOTEL, MOTEL, LODGES, ROOMING HOUSES, DORMITORIES, AND BED AND BREAKFAST UNITS.**
- Per bed space .15 EQR
- a. king and queen (2 bed spaces)
- b. double or single (1 bed space)
- c. addition for kitchen .25 EQR
- d. addition for kitchenette .15 EQR
- e. addition for laundry facilities (of total EQR's) 10%
- f. add for other uses as required i.e., pools, hot tubs, lobby, retail etc.
- 1.4. MOBILE HOMES.**
- Same as single-family dwelling units

<b>1.5.</b>	<b><u>RESTAURANT, CAFES, BARS, LOUNGES, BANQUET ROOMS, CLUBS, ETC.</u></b>	
a.	Full Service Restaurant (per seat)	.15 EQR
b.	Expandable Tables (add two seats)	.30 EQR
c.	Fast Food Restaurant (per seat)	.06 EQR
d.	Expandable Tables (add two seats)	.12 EQR
e.	Banquet Rooms (per seat)	.04 EQR
f.	Expandable Tables (add two seats)	.08 EQR
g.	Bar/Lounge (per seat w/food service from kitchen) (per seat w/o food service from the kitchen)	.12 EQR .09 EQR
h.	Conference Room @ .40 EQR/1000 sq. ft.	
i.	Drive In Restaurant (per car space)	.06 EQR
j.	Restaurant (full, fast or bar seating) includes all sinks/wash basins etc. add for bathroom only @ .05 per fixture.	
k.	<i>Taps for food service seating, may be adjusted at anytime when a new seat count is made for any reason. Rates based on outside seating for restaurant use shall be charged at twenty-five percent (25%) of the stated rate for each use.</i>	
<b>1.6.</b>	<b><u>GAS AND SERVICE STATIONS.</u></b>	
	per Fuel Fill Station	.40 EQR
	Does not include any car wash facilities or associated retail space, applicant must define bathroom use	
<b>1.7.</b>	<b><u>LAUNDRY, SELF-SERVICE.</u></b>	
	per standard machine commercial	1.40 EQR
<b>1.8.</b>	<b><u>SCHOOLS, CHILD CARE FACILITIES, ETC.</u></b>	
	(per 100 students) applicant must define bathroom use	
a.	Without gym or food preparation facilities	2.70 EQR
b.	With gym and without food preparation facilities or without gym and with food prep facilities	3.35 EQR
c.	With gym and food preparation facilities	4.00 EQR
<b>1.9.</b>	<b><u>HOSPITALS AND CLINICS.</u></b>	
	(per bedspace and examination rooms) add for office & administration space etc. applicant must define bathroom use	.15 EQR
<b>1.10.</b>	<b><u>AUTO DEALERS, VEHICLE RENTAL.</u></b>	
	per 1000 sq ft of building additional for garage and bathrooms etc. applicant must define bathroom use	.30 EQR

<b>1.11. <u>BARBER SHOP, BEAUTY SHOP.</u></b>	
per chair any type	.15 EQR
per closet, urinal or other fixture	.03 EQR
<b>1.12. <u>BOWLING ALLEYS.</u></b>	
per lane	.30 EQR
does not include restaurant, bars, etc.	
add for bathroom, applicant must define use	
<b>1.13. <u>CAR WASH, DO IT YOURSELF.</u></b>	
per stall (50% reduction for recycled system)	1.50 EQR
<b>1.14. <u>CAR WASH, AUTOMATIC MECHANICAL.</u></b>	
per stall (50% reduction for recycled system)	1.80 EQR
<b>1.15. <u>CHURCH.</u></b>	
per 100 seats	1.30 EQR
with kitchen & per 100 seats add	.70 EQR
add for office space and conference rooms	
add for bathrooms, applicant must define use	
<b>1.16. <u>CLEANERS.</u></b>	
per 1000 square feet	2.00 EQR
per closet, urinal or other fixture	.03 EQR
<b>1.17. <u>OFFICE BUILDING.</u></b>	
per 1000 square feet of total building	.40 EQR
add for bathrooms, applicant must define use	
<b>1.18. <u>RETAIL SPACE/LOBBY/VALET/HOTEL - MISC.</u></b>	
per 1000 square foot of total building	.50 EQR
add for bathrooms, applicant must define use	
<b>1.19. <u>RETAIL FOOD SERVICE WITHOUT SEATING.</u></b>	
per 1000 square feet of total building or space	1.00 EQR
per closet, urinal or other fixture	.05 EQR
<b>1.20. <u>GARAGES, MACHINE SHOPS, FIRE STATION.</u></b>	
per 1000 square feet of total building used	.15 EQR
add for office space, retail space	
per closet, urinal or other fixture	.03 EQR
<b>1.21. <u>DRUG STORES.</u></b>	
per 1000 square feet of total building	.50 EQR
per closet, urinal or other fixture	.03 EQR

<b>1.22. <u>THEATRES.</u></b>	
per 1000/sq feet of total building	.50 EQR
add per closet, urinal or other fixture	.05 EQR
<b>1.23. <u>MULTI USE COMMUNITY CENTER.</u></b>	
per 1000/sq feet of total building	.50 EQR
restricted use public restroom - add	
per closet, urinal or other fixture	.03 EQR
add for other uses as required i.e. kitchen, kitchenette	
additional laundry facilities	
<b>1.24. <u>WAREHOUSES.</u></b>	
per 1000 square feet	.15 EQR
per closet, urinal or other fixture	.03 EQR
<b>1.25. <u>PARKING GARAGES –</u></b>	
<b><u>STAND ALONE NOT PART OF BUILDING</u></b>	
per 16,000 sq feet	.50 EQR
per closet, urinal or other fixture	.05 EQR
<b>1.26. <u>SWIMMING POOLS.</u></b>	
per 20,000 gallons capacity	
<u>Indoor</u>	
a. Residential	1.00 EQR
b. Commercial includes Condo Pools	1.50 EQR
<u>Outdoor</u>	
a. Residential	1.50 EQR
b. Commercial includes Condo Pools	2.00 EQR
<b>1.27. <u>JACUZZI, HOT TUBS, JETTED OR BUBBLE TUBS, ETC.</u></b>	
<u>Indoor</u>	
a. Commercial includes multifamily use	.50 EQR
b. Residential, single-family	.10 EQR
<u>Outdoor</u>	
a. Commercial includes multifamily use	.75 EQR
b. Residential, single-family	.20 EQR
Includes wired only with hot tub installed at later date	
<b>1.28. <u>PUBLIC RESTROOM.</u></b>	
(not associated with other use)	
per closet, urinal or other fixture. ( <i>See Note I.</i> )	.05 EQR
waterless urinal	.025 EQR

- 1.29. RESTRICTED USE RESTROOM.**  
 (associated with other use and not categorized  
 in other areas of this rate schedule)  
 per closet, urinal or other fixture. (*See Note H.*) .03 EQR
- 1.30. SPA/FITNESS CENTER.**  
 per 1000/sq feet .50 EQR  
 per closet, urinal or other fixture .05 EQR  
 add for hot tubs/pools etc.
- 1.31. IRRIGATION SYSTEMS.**  
 Commercial and associated with property but not  
 single-family homes. Less than one acre. 1.00 EQR  
 add .25 EQR for each portion of an acre greater than one  
 All irrigation systems will require a separate meter.  
 Secondary meters will only be considered in complex  
 installation scenarios and must be approved by the  
 District Administrator.

As of 10/1/07 irrigated acres will no longer be automatically assumed upon the building of any structure including single-family homes. Single-family homes may be granted the right to outside watering, but the total acreage may be restricted. The Administration of the SRWD is currently assessing total irrigated acres for in house audit purpose of water usage. Irrigated acres are not just defined as areas with irrigation systems in place. These acres include all noticeable outside watering where a hose or other device is used to carry water from indoors to out of doors.

A GIS system is being instituted to calculate total irrigated acres in the District (with or without irrigation systems) Until actual acreage is accounted for and actual guidelines implemented; first interpretation of new irrigated acres allowed shall be by the District Administrator with ultimate interpretation residing with the Board of Directors upon appeal.

## Notes:

**A.** The District Administrator shall be responsible for interpretation of any item in this schedule, subject to review of the Board of Directors upon appeal.

**B.** Minimum Tap Fee and User Fee rate shall be 1.00 EQR per Premises. Please also refer to *Appendix "B", "Fees and Charges"* for additional information on applicable fees and charges.

**C.** Rates based on areas of a building shall include pro-rated common areas and limited common areas within the building.

**D.** Rates shall be determined based on the highest use. Change in use to a higher use requires a Tap Fee payment to the higher EQR. Quarterly user fees will be calculated on the total of the new EQR. No Tap Fee refunds will be made with changes to a lower use, but quarterly user fees may be adjusted accordingly.

**E.** A customer may maintain the Tap by paying the minimum quarterly user fee. If any user fee is not paid, the Tap Permit is considered abandoned. *See Article III, "Facilities, Charges and District Inclusions"*, for additional information and charges.

**F.** Once a rate schedule for taps is approved by the District at the Certificate of Occupancy time, the District will not change the tap allocation for a customer's facility unless and until the customer takes out a building permit for a remodel or new facility, or is required to have a building permit by the Building official's regulations for a new building or modifications to an existing building.

**G.** The District will charge for the additional taps at the time of building permit and finalize its tap allocation after inspection of the facility when a new Certificate of Occupancy or Certificate of Completion is issued and signed off by the District. For properties on the market, the District may adjust for any discrepancies in bedroom/hot tub or other facility charges at the time of sale, charging the seller the applicable tap fee; this charge is all inclusive for any errors in original bedroom counts which may exist in the District files. The District will not back charge the original owner for user fees at a point of sale.

**H.** For uses not specified or for variations, Tap Fees and User Fee rates will be adjusted with new Tap Fees assessed based on 350 gallons per day, per EQR, using two peak quarters of usage for two years of assessed User Fees.

**I.** Fixtures in all bathrooms are charge per fixture, not per sink. Each spigot on a sink is charged as one (1) fixture. A standard sink would therefore be charged as two fixtures.

**APPENDIX B**

*FEES AND CHARGES*

**Incorporates Rate Increase Approved 2-12-19**

**Section 1**

**Tap and Connection Fees**

**1.1 Tap Fees.** All Tap Fees shall be paid at the time the building permit is issued. Charges for any types of uses not defined herein shall be determined by the District Administrator. Any fees charged for services provided outside the boundaries of the District shall be assessed at 150% of the stated fees herein.

**1.1.2 Domestic Use.** Tap Fee per Single-family Equivalent Rating (EQR) is **\$8,500.00**. See *Appendix "A"* for rate schedule. The minimum EQR shall be 1.00 per Premises, except for studios located in a single-family home with an outside entrance.

**1.1.3 Fire Protection Only.** Tap fees for fire protection services inside the boundaries of the District shall be one-third of the current effective domestic tap fee.

**1.2 Connection Fees.** All connection fees shall be paid at the time the building permit is issued. Connection fees per service line constructed shall be as stated below. These fees are assessed for all inspections on service line, meter installation inspection and furnished materials.

**Connection Fee Schedule**

<u>Service &amp; Meter Size</u>	<u>Fee</u>
¾ & 1 Inch service line (¾ Inch meter size)	\$ 450.00
¾ & 1 Inch service line (1 inch meter size)	\$ 550.00
4 & 6 Inch service line (¾ & 1 Inch meter size)	\$ 700.00
4 & 6 Inch service line (1 & ½ Inch meter)	\$ 1,000.00
4 & 6 Inch service line (2 Inch meter)	\$ 2,400.00
4 & 6 Inch service line (3 Inch meter)	\$ 3,100.00
4 & 6 Inch service line (4 Inch meter)	\$ 3,900.00
6 & 8 Inch service line (6 Inch meter )	\$ 6,200.00



**1.3 Cross Connection Fees:** All backflow prevention devices must be tested within 45 days from receiving a Test Due notice from the District AND repaired within 60 days from receiving a Repair Due notice from the District.

If the owner or manager of the backflow prevention device fails to meet these deadlines, then the District reserves the right to accomplish the testing or repair work and bill the property owner. **In addition, the owner will be assessed a backflow test and repair fee of \$500.**

## Section 2 User Fees

**User Fee Charges.** User Fees are charged on a quarterly basis.

### **2.1.1 Domestic in-District Use.**

**2.1.1.1** Water use charge \$65.00 per quarter per EQR plus \$3.10 per thousand gallons of use over 15,000 gallons per quarter per EQR assessed. For water used in excess of 35,000 gallons per quarter, the water use charge is \$4.00 per thousand gallons.

**2.1.1.2** Minimum \$65.00 per EQR assessed. This minimum charge is also assessed on prepaid taps on vacant lots or on Commercial Taps on hold in order to maintain the tap fee.

**2.1.1.3** Replacement of Frozen Meter \$50.00 total for the turn on/turn off water. The Customer is responsible for the amount it costs the District to purchase at cost a replacement meter, plus a 15% markup.

**2.1.1.4** Metered Hydrant Use \$50.00 connection and disconnection fee. \$10.00 transfer fee from one hydrant to another, under original permit.

**2.1.1.5** Temporary Water Use \$4.00 per thousand gallons of metered usage from Hydrant or other direct connection 1000 gal minimum use.

**2.1.2 Out-of-District Use.** All out-of-District water use shall be at a rate of 150% of the in-District rate.

### **2.1.3 Fire Protection Only.**

**2.1.3.1.** Water charge in District \$21.00 per quarter per EQR assessed, billed quarterly.

**2.1.3.2.** Water charge out of District \$31.50 per quarter per EQR assessed, billed quarterly.

**2.1.4 Irrigation Use.** The water use for irrigation water shall be \$4.00 per thousand gallons.

**2.2 Billing.** Minimum EQR user fee rate shall be 1.0 EQR per Premises. The base fee for water service shall commence the date the District signs off on the Certificate of Occupancy

pro-rated for that month and continue until the next computer billing cycle. An interim bill will be computed and mailed to the owner and is due immediately upon receipt. Gallons of usage shall accrue the date that the water meter is installed and be considered in the base allowable gallons when water service charges commence. See also *Appendix "A", "Rate Schedule"*.

**2.3 Returned Check Charge.** A charge of \$50.00 shall be levied for all returned checks to the District from the Bank. This includes the redeposit of a returned check. If a redeposited check is returned, repayment shall be accepted only with cash or a certified check.

**2.4 Interest.** The District shall charge interest at a rate of one percent (1%) per month, compounded monthly, as allowed pursuant to Section 32-1-1006 (1)(d), Colorado Revised Statutes, for all past due accounts beginning with the date due. The District Administrator, in its sole discretion, may waive interest charges for financial hardship, military service or other circumstances deemed appropriate.

**2.5 Deposit.** At time of application on undefined specific projects, the District will require the Applicant to deposit \$1,500.00 with the District, or a greater amount as may be determined by the Board or the District Administrator. This deposit shall be used to pay for engineering fees, legal fees, and other costs, except direct construction costs, anticipated to be incurred by the District as a result of the application. This deposit amount will be reimbursed to the Applicant at the end of the process to the extent the deposit exceeds the costs incurred by the District. The District may at any time in the process require the Applicant to make further deposits to cover the District's costs related to the application.

### **Section 3** **Tap Fee Differential**

**3.1 Tap Fee Differential.** In consideration of periodic increases in Tap Fees, the District has adopted the following policy regarding assessments to an Owner of the differential between previously paid and current Tap Fees. This differential shall be applicable when buildings are demolished and new properties established or at point of sale when actual bedroom count for the Premises does not coincide with the number of EQR that have been paid for as shown in the District's records, as more specifically described below. This also applies to designated taps paid for commercial buildings with a change in use from vacant space when the original tap fees were paid by the Developer and then converted to another designated water use. This also includes restaurant owners, except as provided below for a recount of seats.

The applicable date for Tap Fee Differential Charges is February 12, 2019 (the "Cut-Off Date"). The District increased its tap fees on the Cut-Off Date to \$8,500.00 per EQR. All properties with certificates of occupancy before such date will be subject to a differential adjustment credit between \$6,000, which was the Tap Fee prior to the Cut-Off Date, and the current Tap Fee of \$8,500. All building permits dated after the Cut-Off Date must pay the current tap fee of \$8,500 per EQR.

The differential amount is \$2,500 per each EQR, but such amount may be higher upon future rate increases. For all properties in the District which have paid Tap Fees prior to the Cut-Off Date, a differential will not be charged, except as noted below.

**3.2 Property Boundaries Define Differential Transfers.** For the District, a demolition or remodel differential is only applicable within the property boundaries where the change or demolition is located on one parcel as defined by the GIS mapping system of Summit County. A customer cannot transfer differential on projects located on different Premises within or outside of the boundaries of the District.

**3.3 Definition of Point of Sale Real Estate Transaction, Remodel, Gutting, and Demolition.** All new applications submitted to the District will be charged at the current rate. A new bedroom is not considered a remodel. A remodel consists of gutting the entire interior and rebuilding. For example, if a Customer adds 2 bedrooms to an existing 3-bedroom single-family residence, the Customer is required to pay the new rate of .10 EQR or \$850 for each additional bedroom and is subject to the new total amount of EQR for User Fees.

For real estate transactions where additional bedrooms or other facilities are located and no previous Tap Fee has been paid on those facilities to the District, the Owner must pay the current Tap Fee charge for each bedroom or other facility at closing. Past User Fees for any additional bedrooms or facilities will not be charged back to the Owner, but EQR will be adjusted accordingly and the new Owner will be assessed User Fees at the revised EQR calculation. The Cut-Off Date will apply. For example, a home is purchased on 9/5/2015 and sold 7/2/2018. Four bedrooms are in existence, and the District records show three. The Owner of record (seller) will pay \$600 to the District for the bedroom at closing. If the property was purchased **after** the Cut-Off Date and ultimately sold, and unaccounted bedrooms exist at time of resale, the Owner will be assessed \$850 at closing. *See Article II, "Definitions",* for definition of a bedroom.

If the single-family residence is demolished or gutted, the Owner must pay the current Tap Fee and User Fees for any additional bedrooms or facilities not charged for in the original rate schedule. The Owner will not be charged the Tap Fee Differential on previous bedrooms or facilities in the structure. Revised calculations will be charged out as current rate on User Fees times the total number of EQR in the facility after gutting or demolition is accomplished and after the new structure is rebuilt. The applicable date for the imposition of differential is the Cut-Off Date. All properties with certificates of occupancy before the Cut-Off Date will be subject to the differential as set forth herein. All properties with certificates of occupancy after that date must pay the current tap fee.

**3.4 Restaurant Recount Differential.** For restaurants, the District Administrator may verify number of seats at any time and charge additional Tap Fees and User Fees when seating exceeds that previously reported to the District and paid.

When seating has increased by more than 10%, a differential charge is applicable. This pertains to both indoor and outdoor seating for the restaurant. All restaurants with certificates of occupancy before the Cut-Off Date will be subject to differential on discovered seating. For example, in a full-service restaurant, additional seating greater than 10% of the previous count of seating will be assessed the difference between the amounts of .15 EQR x \$ 6,000 and .15 EQR x \$8,500, for a total charge of \$375 per each restaurant seat. All properties with certificates of

occupancy after the Cut-Off Date must pay the current Tap Fee of \$8,500 per the amount of calculated EQR for seating.

**3.5 Prepaid Tap Differential.** One EQR has been assigned to each prepaid tap. This EQR has full prepaid value on a three bedroom or smaller home, any number of bathrooms. Prior to the Cut-Off Date, the current value per EQR was rated at \$6,000. Each additional bedroom was charged at .10 EQR, or \$600 for each additional bedroom.

If a vacant lot was sold before the Cut-Off Date, the value of \$6,000 tap stays with the Owner of record. This means that the Owner of record before the Cut-Off Date was able to build on a lot for no tap fee assessment for a three-bedroom home, and a \$600 tap fee for each additional bedroom. The assessment is due and payable to the District before the building permit may be issued.

A Tap Connection Fee is assessed at the time of the building permit. This fee is always charged in addition to the Tap Fee. The prepaid Owner of record still must pay the Tap Connection Fee, as it is not included in the prepaid amount.

**3.6 Differential on Sale of Prepaid Lots.** At the time of sale of a property any time after the Cut-Off Date, such property may only have a \$6,000 prepaid tap on it. The new Owner, upon building a residence, must pay the differential between the original Tap Fee amount of \$6,000 and the current Tap Fee as of the date of the application for Tap Permit.

Currently, on all prepaid lots, the District will charge a \$2,500 Tap Fee Differential for a three-bedroom home to a new Owner of record after the Cut-Off Date. The original \$6,000 is considered prepaid. Each additional bedroom will cost \$850 (.10) EQR, and any additional rate charges will be based upon the rate of \$8,500 per EQR.

The date of sale is the determining factor for any increase in the amount of Tap Fees in the District. For example, if an Owner purchases a lot with a prepaid Tap Fee at \$6,000 and the rates increase to \$9,000 per EQR before a building permit is used, the \$6,000 will be honored to the Owner of record for the initial three bedrooms, and each additional bedroom and any other rate charges will be calculated at the rate of \$9,000 per EQR.

The District recognizes the challenges of its fiduciary obligation to the public sector in maintaining a viable and potable water system. If an undeveloped lot sits for many years, the increases in the costs of maintaining the water system must be assessed to new Owners.

## APPENDIX C

### CONSTRUCTION STANDARDS WATER MAINS AND SERVICE LINES

#### Section 1 Water Main Extensions

**1.1 General.** The requirements of all sections of these Construction Standards are applicable to the construction of all water main line extensions. All installations must be approved by the Snake River Water District and constructed as shown on the approved plan. These regulations shall apply for any modification of the Distribution System, change to the water supply of any existing structure or modification of any site.

Additions to the Snake River Water District distribution system shall typically follow standards set forth by the American Water Works Association (“AWWA”). Updates and revisions may not be shown in this document but will apply as the applicable standards become accepted.

**1.2 Water Main Line Extensions by the District.** The District has the right to construct all water mains within the District. Developers who desire to construct water mains may do so as provided in Section 1.4.

**1.3 Procedure for Water Main Extension by the District.** The District may construct any water main if the Board deems it in the best interest of the District to do so, under such terms and conditions as shall be determined by the Board of Directors.

**1.4 Procedure for Water Main Extension by Developers.** The District has no obligation to extend any water main. At the discretion of the Board, the Board may permit an applicant to construct water mains, at the sole expense of the applicant. The applicant shall enter into a written water main extension agreement with the District.

If the property lies outside of the District boundaries, as defined by the current District Boundary Map as filed with the Summit County Clerk and Recorder, all District Inclusion documentation and applicable water rights must be finalized per *Article III* of this document - *Section 3.5 et al.*, before the water main application process commences.

**1.4.1** All applicants desiring to construct a water main within the District shall first make application to the District for approval. This application shall be in writing and shall contain a legal description of the property to be served by the water main and all information requested by the District Administrator. This may include copies of the PUD or applicable plans filed with Summit County. The District may require review of the application by an engineer selected by the District. The engineer shall have responsibility to review all proposed extensions of water facilities, to establish good engineering practices and to report to and advise the District as to adequate sizing, proper locations and general design considerations for any proposed extension.

**1.4.2** At time of application for a water main extension, the District will require the Applicant to complete a comprehensive “*Line Extension Application and Payment Schedule*” and to deposit Plan Review Fees and Construction Observation Fees as calculated per such application form as may be determined by the Board or the District Administrator. The District may at any time in the process require the Applicant to make further deposits to cover the District’s costs related to the application.

**1.4.3** All water mains shall be constructed according to applicable District, County and State specifications. The District may require all water main extensions to be inspected by an engineer acceptable to the District at the applicant's expense. All inspection fees on water mains required by any governmental agency shall be paid by applicant.

**1.4.4** Special structures such as pressure reducing valve vaults, meter vaults, etc., required to ensure proper operation of the extensions, shall be constructed from designs of the engineer.

**1.4.5** The applicant shall be responsible for over sizing water main extensions as required by the District. The cost of such over sizing may be recovered from future applicants benefiting from such over sizing.

**1.4.6** Applicants who have completed construction of water mains shall, before the water mains are accepted by the District, deed the water mains and appurtenances to the District, free and clear of all liens and encumbrances, and furnish to the District a warranty for a minimum of one year from the date of acceptance of the water mains by the District. The District may require a deposit or bonding to insure maintenance is performed during the warranty period and/or may retain a portion of the bond posted with Summit County. Prior to the acceptance of water mains by the District, the applicant shall provide the District with (1) all necessary easements accompanying the water mains, (2) one set each of reproducible as-built drawings, a white copy, and a copy in CAD digital format, (3) a statement of certified cost of the water mains constructed, (4) payment of all fees and cost reimbursements due to the District, (5) billing information for the developer, including name, mailing address, property legal address, property street address and unit density, and (6) governing documents for any applicable homeowners or condominium association (7) a lien release statement certifying that all required payment have been made and that there are no liens on any of the improvements to be accepted by the District. Any plat shall include reference numbers to verify the recording of easements at the Clerk and Recorder’s Office.

The District will not provide service to any consumer served by any water main until and unless such main is owned by the District. The District may agree to accept a part of the water main constructed that is substantially complete so that water service may be provided. Any deficiencies or incomplete items must be itemized and the applicant must make adequate arrangements to assure the District that such items will be completed within a reasonable time at no cost to the District.

**1.5 Water Main Sizes.** The size of the water main required to serve any area served by the District shall be determined by the District.

**1.6 Location Main Line Extensions.** Water mains shall be installed in roads or streets which the County, State, and other public agency has accepted for maintenance as a public right-of-way, as well as in easements granted to the District. When facilities must cross land not being subdivided, or where such land is under the applicant's control for the granting of public rights-of-way, each applicant who desires service will, in consultation with, and with approval of the District, plat and grant to the District appropriate right-of-way and easements in which such facilities will be constructed. All "non-applicant owned" easements required to construct and maintain the facilities will be obtained by the applicant and conveyed to the District in the same manner as "applicant-owned" easements.

**1.7 Conditions and Design Criteria.**

**1.7.1 Criteria.** Design of water lines and facilities providing water service within or on behalf of the District shall meet the minimum requirements as set forth herein, established State and District standards and good engineering practice. Such facilities shall be sized to provide adequate service, including fire flows, to not only the initial area being served, but also for future development that may be served by or an extension of such facilities. Designs for distribution facilities shall consist of looped water lines only so as to ensure circulation in order to protect water quality, prevent freezing, and as a fire protection obligation. Where no looping alternative exists, dead end water distribution systems may be approved to serve individual customers or a small cluster, up to a maximum of 5 homes, or EQR equivalents, and shall end with a District approved fire hydrant.

**1.7.2 Review.** It shall be the obligation of the District to review all plans, specifications and related documents to assure that such plans, etc. conform to the approved conceptual plan; establish good engineering practice and are of adequate sizing, proper locations and general design considerations for any proposed extension. The District may engage an engineer on behalf of the District to review any design.

**1.7.3 Fees.** The District may require a prepayment or deposit on all anticipated costs to the District for the review and the inspection process. All costs associated with the review and inspection process shall be payable by the applicant. Any participation by the District in sharing of costs, over sizing of mains or otherwise shall be addressed in the initial step of the approval process.

**1.8 Approval Process.** The approval and acceptance process for any proposed extension of the District's water facilities shall consist of the following steps:

**1.8.1 Conceptual Plan Review.** The applicant shall submit a report fully setting out the proposed facilities and water service requirements of the proposed extension. Any major change or modification of the concept presented and approved will require secondary review and approval by the District Administrator, the Superintendent of Operations and if applicable the designated District Engineer. Therefore, in the interest of saving time and money this report should be detailed and complete. The report shall be prepared by a registered professional engineer, licensed by the State of Colorado, and who has experience engineering water systems under similar geography and locations (specifically mountainous developments).

Approval by the District of a conceptual plan shall expire one year after the date of review or agreement unless construction has commenced within such period.

**1.8.2 Preliminary Plans and Specifications.** After agreement of the District and Applicant on the conceptual plan, the Applicant may then proceed with design surveys, detail plans and specifications for the proposed extension. The submittal for review by the District shall be in duplicate so that one copy can be returned to the Applicant's engineer with revision notations marked thereon and one copy retained for the District's records. The plans shall be 24" x 36" size and include design calculations, design basis and hydraulic calculations. The District shall have the option of requiring suitable contour maps, copies of recorded filing plats and/or plan and profile sheets. Any variations from the District's Requirements for Water System Installations or standard drawings must be reviewed at this stage. It is recommended that these plans be submitted for review to the District as work progresses so that any questions or problems can be resolved prior to submitting final plans and specifications.

**1.8.3 Final Plans and Specifications.** Final plans may be submitted after preliminary approval or instead of preliminary plans. However, skipping the preliminary stage is not recommended as considerable time delays and expense can be incurred in making revisions to such final plans when required by the District.

**a. Specifications.** Plans shall conform to the Standard Forms of Agreement published by the engineers' Joint Contract Documents Committee and specifically the Standard General Conditions of the Construction Contract; Special Conditions prepared under the guidelines of Guide to the Preparation of Supplementary Conditions; Standard form of Agreement between Owner and Contractor; Change Order form; Certificate of Substantial Completion and other applicable forms. In addition to standard contract forms, the engineer for the Applicant shall submit detailed Technical Specifications for various construction items to be constructed. Detail design calculations, hydraulic flow analysis and design details shall be submitted or updated.

**b. Sets.** A minimum of four sets of complete plans, 24" x 36" in size, and specifications shall be submitted to the District. One set will be returned, two sets are retained by the District and one set may be forwarded to the County Engineering Department. Additional sets may be submitted which the District will also mark with appropriate approval notations and return to the Applicant for his use. The Applicant or his contractor must have one set of the approved Plans and Specifications on the construction site at all times.

**c. Other Jurisdictions.** The final plans and specifications shall include copies of all required application forms for review by the State and County Health Departments, County Planning Department, Highway department and any and all other governmental agencies that have jurisdiction. It shall be the responsibility of the Applicant's engineer to submit plans and obtain approvals from governmental agencies as required for the proposed construction.



## Section 2 Construction

**2.1 Contractor.** After all approvals for the proposed construction have been obtained the Applicant may then proceed to employ a contractor. The Contractor is responsible, prior to starting work, to schedule a pre-construction meeting to include at least the Contractor, District staff, and the Applicant. Such meeting requires a 2 business day notice. Work cannot commence before this pre-construction meeting has taken place.

**2.1.1 Limitation on Construction and Installation.** Installation of main lines and service lines is restricted to between April 15<sup>th</sup> and October 31<sup>st</sup> of each year, subject to modification at the sole discretion of the District Engineer, Superintendent of Operations or District Administrator depending on weather conditions and project requirements. No pipe or appurtenant structure shall be installed in any evacuation into which frost has penetrated, or at any time when there is danger of frost formation. No material containing frost shall be utilized in any backfill.

**2.1.2 Insurance and Bonds.** As soon as a contract is awarded, a copy of the required certificates of insurance, performance and payment bonds and an executed copy of the construction contract shall be submitted to the District. Upon approval of these documents the Applicant will be allowed to start construction.

**2.1.3 Start Notice.** The Applicant or his contractor shall provide a minimum of 2 business days notice to the District of intent to start construction so that an inspector can be available to allow the contractor to start. No work may begin without the presence of the inspector and/or authorized representative of the District.

**2.1.4 Inspection.** The presence of the inspector and/or District representative shall be for purposes of observing the work being done by the contractor and in no way shall such presence relieve the Applicant, his engineer or his contractor from obligations to provide proper workmanship and materials, as well as undertaking proper safe work conditions and full compliance with all governmental rules and regulations. Cost of the inspections shall be borne by the Applicant. Inspections are required for the installation and repair of all water mains, service lines and water service appurtenances tied to the water distribution system.

**2.1.5 Valves.** Whenever it is necessary to operate valves for main extensions, the District staff shall be notified and shall be the only authorized personnel to do so.

**2.1.6 Records.** The Applicant, his engineer and/or his contractor shall be responsible for keeping records of locations of water facilities as constructed and to provide such records to the District for purposes of updating the maps and records of the District.

**2.2 Final Acceptance.** All or any part of the proposed construction that is substantially complete may be conveyed to the District so that water service can be provided. The District will not provide service to any consumer served by any water main until and unless the District owns such main. Conveyance cannot be made unless all requirements below are met.

**2.2.1 Deficiencies.** Any deficiencies or incomplete items in a system to be conveyed to the District must be itemized and the Applicant must make adequate arrangements to assure the District that such items will be completed within a reasonable time at no cost to the District. Building permits for any dwelling will not be signed off upon until deficiencies are met or other agreements are in place as required by the District Administrator and the Superintendent of Operations. Deficiencies can hold up final sale of properties to a potential buyer. Therefore, Applicants must be aware of and work with their contractor to see that any deficiencies are handled. The Applicant (Developer) assumes ultimate responsibility to cover any deficiencies that arise from actual construction, regardless if they have unresolved issues with their contractor.

**2.2.2 Locations and Easements.** The Applicant shall be responsible for providing accurate surveys of the locations of constructed water lines, hydrants, etc; preparation of descriptions for easements and conveyance of facilities and deeds of easements and facilities. Such descriptions shall be submitted to the District. The form of deed etc. shall be as required by the District.

**2.2.3 Owner List.** The Applicant shall supply a list of all customers to be supplied by the service including name, billing address, lot unit designation. Water billing (user fees) for any lot will commence at Certificate of Occupancy and charged to the Applicant (Developer) until the lot is sold.

**2.2.4 Payment.** All cost associated with the service to be conveyed must be paid in full or a guarantee of payment acceptable to the District in place.

### **Section 3** **Water System Extensions Main Extensions**

**3.1 General.** No person, firm or entity shall construct any extension or addition of the District's water facilities without having prior formal approval of the District for such construction. AWWA C100, C600, and C500 series are the compliance standard adopted by the Snake River Water District. District personnel are not responsible for contractor work site safety compliance or enforcement of applicable safety regulations and standards. Orders given by District staff relating to quality of materials, workmanship and safety issues shall be obeyed at once by the Contractor.

**3.2** CL 52, push-on-joint, cement lined DIP is the accepted material for water main and large (>1") service lines. DIP service lines shall also conform to service line standards. All pipe joints must be copper strapped or cad welded for electrical conductivity. Where cad welding is the method chosen a minimum 4 gauge single strand copper wire must be used and any exposed metal must have a cold tar covering.

**3.3** Minimum depth of bury shall be 9' to top of pipe at finished grade. Maximum depth of bury shall be 12' to top of pipe at finished grade.

**3.4** Trenches must conform to the most recent standards adopted by OSHA. Trench alignment and grade excavation shall be from off set stakes established from the approved

drawings. Trenches shall be kept free from water during pipe laying and remain that way until safety and product quality are no longer compromised. Backfilling must meet the requirements of both the District and other controlling agencies.

**3.5** Bedding material shall be 3/4" minus or 3/8" minus clean rock. Bedding must consist of a minimum of 6" under and 12" above the pipe. Bedding must be installed evenly and free of voids to provide full support of the pipe over its entire length. In wetland situations or near stream beds, additional bedding material may be required by the District.

**3.6 Thrust Restraint.** Appurtenances must be properly braced by concrete thrust blocks and supported with mega-lugs and/or threaded rod and nut assemblies. All concrete must have an 8-mil minimum polyethylene plastic sheet separating the thrust block from pipe and nut and bolt assemblies.

**3.7** Hydrant installations shall conform to AWWA C502 and have a minimum 6" feeder line. Dry barrel, Waterous New Pacer or Mueller Super Centurion models, mountain bury (9'), mountain spec (42" from finished grade to center line of steamer connection) shall be the type accepted by the District. Hydrants are not to be fabricated on site with additional stem extensions and couplings. Hydrants shall have one breakaway flange and stem coupling located 3" above finished grade. Any repair parts shall be original equipment manufacturer only. No aftermarket parts are allowed.

**3.8** Valves shall conform to AWWA C509 for resilient seat, non-rising stems (NRS) gate valves, and shall open-left. All valves must have a single continuous valve stem extension and stem centering plate to within 12" of the top of valve box.

**3.9** Valve Boxes shall be set plumb and true, centered over the 2" operating nut and installations must be supported to keep from settling. Valve boxes must not be above and no more than 2" below finished grade. For installations in asphalt or concrete the top of lid assembly must be 1/2" below finished grade.

**3.10** Service Taps shall be separated by at least 18" and no closer than 24" to the end of pipe sections or appurtenances. Taps shall be made using two strap saddles of brass or bronze body with stainless steel, bronze, or brass straps, have AWWA thread and an O-ring gasket.

**3.11 Sewer Lines.** Water lines shall be located a minimum of 10' horizontally from existing or proposed sewer mains. Wherever a sewer main or service cross above or within 2' beneath the water lines, both the Snake River Water District and the Snake River Sanitation District shall be notified for approval of such crossing.

**3.12** Disinfection of new water mains should be met by using calcium hypochlorite tablets attached to the inside top of the pipe with an approved adhesive certified to NSF 61 (Permatex RTV clear) prior to the pipe installation in the trench.

**3.13 Line Testing.** All testing must be carried out with a District representative present.

**3.13.1** Line must be filled slowly with water to dissolve chlorine tablets while removing air at the same time.

**3.13.2** Line is to remain static for a minimum of 24 hours (48 hours recommended), after which representative free residual chlorine samples will be drawn with a minimum of 25 mg/l present to pass. After disinfection has passed super-chlorinated water shall be removed in a safe manner.

**3.13.3** A hydrostatic test will then be performed for a minimum of 2 hours at 150 psi or 1.5 times the working line pressure whichever is greater.

**3.13.4** Following a successful hydrostatic test the line must be flushed at maximum velocity from hydrants.

**3.13.5** A bacteriological test and electrical conductivity test may be required at the District's discretion.

**3.14 Standard Detail Drawings.**

- SHT: W-1 Typical Trench
- SHT: W-2 Thrustblock
- SHT: W-3 Restrained Pipe
- SHT: W-4 Mainline Gate Valve
- SHT: W-5 Fire Hydrant Assembly
- SHT: W-6 Pipe Bollard
- SHT: W-7 Waterline Insulation
- SHT: W-8 Service Line
- SHT: W-9 Vertical Meter
- SHT: W-10 Horizontal Meter
- SHT: W-11 Large Horizontal Meter

All detail drawings are attached at the end of *Appendix "C"*, "*Construction Standards*".

**Section 4**  
**Construction of Water Service Lines**

**4.1 General.** All installations (new, replacement and repair work) must be approved by the District and constructed as shown on the approved plan. Additions to the Snake River Water District distribution system shall typically follow standards set forth by the AWWA. Updates and revisions may not be shown in this document but will apply as these standards become recognized. District personnel are not responsible for contractor work site safety compliance or enforcement of applicable safety regulations and standards. Orders given by District staff relating to quality of materials, workmanship and safety issues shall be obeyed at once by the Contractor.

**4.2** All materials must be new, undamaged and of the highest quality meeting the AWWA standards.

**4.3** All services shall be appropriately sized ( $\frac{3}{4}$ " minimum), type K soft copper for services  $\frac{3}{4}$ " and 1". For services larger than 1" an appropriate AWWA standard material must be approved by the District.

**4.4** Service Taps shall be separated by at least 18" and no closer than 24" to the end of pipe sections or appurtenances. Taps shall be made using two strap saddles of brass or bronze body and stainless steel, bronze, or brass straps, with AWWA thread and an O-ring gasket. The tap location shall be at a point no less than 5' inside the property lines extended. Such property lines are defined as the lot or building envelope lines extended perpendicular to the water main easement to a point on the water main. This is to provide that no service line for one property will pass in front of another property or open space.

**4.5** Corporation stops must be brass or bronze in the same size as the copper service line, be AWWA standard inlet thread and compression type outlet.

**4.6** Curb stops shall be brass or bronze body in the same size as the copper service line, standard T-head operator and 90-degree rotation with compression type outlets.

**4.7** The service line shall run perpendicular to the main water line from the tap to the curb stop. Service taps serving lots on curves or cul-de-sacs shall be perpendicular from the main for 5', then radial perpendicular to the curb stop. The curb stop should be located near the property line and be accessible at all times. A dedicated easement agreement between adjoining Owners is required for any service lines that encroach within 15' of a neighboring property line.

**4.8** Curb boxes shall be an arch pattern box with 1" upper section and 2-hole Erie pattern lid or equivalent for up to 1" services. All boxes require an extension rod and must be properly supported to prevent settling on the valve. Curb boxes must be set to final grade and if located in a driveway the use of a "monument box" is required to protect the lid from damage.

**4.9** Service lines shall be one continuous piece from corporation to curb stop and from curb stop to first valve. Couplings in the service lines are not allowed unless necessary due to the length of service line in which case the coupling must be brass or cast bronze body with compression type outlets, located downstream from the curb stop and no closer than 15' from a building structure or foundation.

**4.10** Service lines shall be buried a minimum of 9' and a maximum of 12' from top of pipe to finished grade. When 9' is not possible, 2" thick closed cell insulation ("blue board") may be approved by the District. When approved, insulation shall be 2" thick for every missing foot of cover. Insulation must be placed on top of bedding material and be a minimum of 2' wide. At no time shall the cover be less than 7'. Even though a service line is insulated and provided with the specified cover, the property owner remains responsible for maintaining the service line past the curb stop to the main and preventing such line from freezing.

**4.11** Trenches must conform to the most recent standards adopted by OSHA. Trench alignment and grade excavation shall be from off set stakes established from the approved drawings. Trenches shall be kept free from water during pipe laying and remain that way until safety and product quality are no longer compromised. Backfilling must meet the requirements of the District and other controlling agencies. For general public safety considerations, the service line installation and backfill shall occur in a timely manner (i.e. the same day).

**4.12** Bedding material shall be 3/4" minus or 3/8" minus clean rock. Bedding must consist of a minimum of 6" under and 12" above the pipe. Bedding must be installed evenly and free of voids to provide full support of the pipe over its entire length.

**4.13 Sewer lines.** Water lines shall be located a minimum of 10' horizontally from existing or proposed sewer lines. Shall a sewer main or service cross above or within 2' beneath the water lines; both the Snake River Water District and the Snake River Sanitation District shall be notified for approval of such crossing.

**4.14** No soldered connections shall be allowed underground or upstream of the first shut-off valve inside the building.

**4.15** Service Lines exceeding 1" are to be disinfected in accordance with AWWA C-600 and will require a full pipe diameter flush prior to acceptance.

**4.16** Service lines will be inspected to guard against leaks at all connections either visually or through a pressure test.

Inspection of a service line by Snake River Water District personnel is MANDATORY prior to acceptance by the Snake River Water District. All connections, bedding, insulation and related work must be approved prior to backfill. Inspections require a 2business day notice to the Snake River Water District operations staff for proper scheduling. Inspections are made between the hours of 8am to 4:30pm M-F, excluding holidays.

## **Section 5** **Meter Settings and Cross Connection**

**5.1 General.** All plumbing systems taking water from the District's potable water supply shall meet the requirements established by the Uniform Plumbing Code as adopted by Summit County, Colorado. In addition, all such services must install a water meter and associated equipment. All meters are specified, owned and supplied by the District and are to be installed in accordance with these Standards.

**5.2 Separate Meters.** Each property owner shall have an individual water meter. The customer shall grant the District access onto his premises during normal daily work hours, and if necessary, in the customer's presence to install, maintain, repair or replace a water meter as necessary and other devices as required by the District.

**5.2.1** The District may grant exceptions to the requirement for separate meters in the case of condominium or similar multiple structures provided that recorded declarations or

other legal documents establish a single responsible entity for such common structures with the power to enforce these Standards and the Rules and Regulations including payment of charges levied by the District. In the case of nonpayment the District may place a lien against all properties served by any water meter, in addition to all other remedies available to the District.

**5.2.2** All restaurants, coffee shops, fast food restaurants and other applicable food and beverage service establishments operating within the District shall have a separate water meter installed. In the case of existing properties in large condominiums complexes the District may waive this requirement if it is not possible under existing plumbing systems to re-work the plumbing to accommodate a separate meter. The decision to waive or not rests with the District Administrator and the Superintendent of Operations. If waiver is the most reasonable option, the District will figure the required EQR's applicable, add that amount to the condominium dwelling for full billing. The District Administrator will be responsible for calculating the appropriate EQR based user fee assessment. This information will be provided to the owner of the establishment so that within the lease agreement with the condominium they may pay their applicable water fees.

**5.3 Installation.** Installation of the water meter is the responsibility of the property owner. The meter location shall be inside the premises in a location that protects it from freezing. The first connection to the service line must be an isolation valve followed by a pressure-reducing valve, the water meter, an approved backflow device, when required, and a second isolation valve. If the service line needs extended to the location of the water meter it shall be done using an isolation valve that remains accessible. The water meter must be installed in the horizontal, upright position, which may require a meter yoke supplied by the District. No connections (tees, wyes, bleeders, spigots etc.) are allowed before the water meter. The District owns and supplies the meter, meter yoke, and remote reading device. The owner supplies all other associated equipment, including the wires connecting the meter to the remote reader. **All meter installations shall be inspected by the District prior to certificate of occupancy.**

**5.4 Maintenance.** The water meter is owned and maintained by the District. All other plumbing is the responsibility of the property owner. All costs for miscellaneous materials, as the pressure reducing valve, backflow preventer, fittings, and installation labor shall be the responsibility of the customer and paid for by the customer.

Should the meter need to be replaced, a new meter will be supplied by the District and installed as set forth in 3.3.

After the water meters are installed, it shall be the duty of all customers to notify the District office if their water meters and accessories are visually inspected as damaged in any way.

The District assumes no responsibility for the cost of water used as shown by defective meters, or for any cost or expense relating to or caused by malfunctioning water meters. Customer must refer to Section 5.3 and replace meter and all parts paying for all parts if meter has been frozen or otherwise damaged as a result of the customer's negligence.

**5.5 Meter Pits and Vaults.** The installation of meter pits and vaults require District

approval. Meter pits shall be located within or adjacent to the easement or right of way connecting to the District's main and whenever possible out of traffic areas. The District may approve such locations if the owner provides adequate protection for the public and the meter. Meter manholes and vaults shall be designed to carry traffic loads when determined to be necessary by the District.

**5.6 Meter By-Pass.** A by-pass line around the water meter is permitted only when the District determines it is necessary. This necessity will be defined by the Superintendent of Operations and the Board of Directors if further direction is needed. When approved, it must contain a shut off with locking device for a District lock.

## **Section 6** **Cross Connection Control Policy**

**6.1** The authority to implement and maintain a cross-connection control program is contained in these Rules and Regulations and the following documents and organizations: (1) C.R.S. 25-1-114, 25-1-114.1, (Colorado Department of public Health and Environment (CDPHE)). (2) CDPHE Regulation 11.39, Back Flow Prevention and Cross-Connection Control Guidance. Colorado Primary Drinking Water Regulations Article 14, (Hazardous Cross-Connections). (3) Water Quality Control Division Cross-Connection Control Manual, CDPHE. (4) Code of Federal Regulations Occupational Safety and Health Administration. (5) Colorado Plumbing Code. (6) Uniform Plumbing Code. (7) International Swimming Pool and Spa Code. (8) Colorado Swimming Pool and Mineral Bath Regulations. (9) Uniform Solar Code. Updates and revisions to the above will apply, as they become recognized standards.

**6.2** The District will determine the degree of hazard and all backflow prevention devices (assemblies) shall be approved by the District.

**6.3** No person shall operate an industrial fluids system, auxiliary water supply, or an owner water system that allows for the occurrence of a cross connection to the water utility.

**6.4** All costs for the design, installation, maintenance, repair and testing of backflow prevention assemblies shall be borne by the customer.

**6.5** The District shall have the right of entry to survey and inspect any and all buildings and premises for cross connections relative to possible hazards, or to verify proper installation, testing, or repair of backflow prevention assemblies.

**6.5.1** No person owning, managing, installing or repairing any water system in the District shall fail to comply with any of these rules. The District reserves the right to not provide service to any property that does not conform to this policy.

**6.6** All testable backflow devices shall be tested upon installation and annually thereafter at the sole expense of the property owner by a state certified cross-connection control technician approved by the District. Records of such tests shall be forwarded to the District



within 10 business days of completion. Failed test records must be reported to the District within 24 hours of completion. Failed devices must be repaired within 60 days of the failed report.

**6.6.1** All backflow prevention devices must be tested within 45 days from receiving a test due notice from the District. All backflow prevention devices must be repaired within 60 days from receiving a repair due notice from the District. If the owner or manager of the backflow prevention device fails to meet these deadlines, then the District reserves the right to accomplish the testing or repair work and bill the property owner. In addition, the owner will be assessed a backflow test and repair fee as provided in Appendix B Fees and Charges.

**6.7** All penalties, enforcement authorizations and other provisions regarding the mandatory cross connection policies set forth herein shall be applied in addition to, and not in lieu of, the enforcement and penalties set forth in Section 4 of these Rules and Regulations.

## **Section 7** **Violations and Penalties**

**7.1** The District Administrator shall notify the owner, or authorized agent of the owner, of the building or premise in which there is found a violation(s) of these regulations or if in his or her judgment an imminent health hazard exists. The District Administrator shall set a specific time for the owner to have the violation removed or corrected. If the owner fails to correct the violation(s) in the specified time, the District Administrator may take any of the actions as set forth in the Rules and Regulations, including requesting that the water service to the building or premise be terminated. Additional fines or penalties may also be invoked following termination of service. *If disconnection of a water service is not feasible, the District has the authority to fine property owners in an amount not to exceed \$500 per day for any or all days the connection is out of compliance.*