

# Rules & Regulations

## Rules & Regulations of Pueblo West Metropolitan District, Pueblo West, Colorado

### TITLE 4 WATER AND SEWER

#### Article 1. DEFINITIONS

##### **4.1.1 Applicant.**

The person making application for a permit to connect to a District waste water or water facility and shall be the owner of the premises to be served by the waste water or water facility for which a permit is requested, or his authorized agent.

##### **4.1.2 Building Drain.**

That part of the lowest horizontal piping of a drain system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building, and conveys it to the sewer service line which shall be no more than five feet outside the interface of the building wall.

##### **4.1.3 Cross Connection.**

Any physical connection between the piping system between any building water service and any water supply other than the District water supply, whereby water from another source may be forced or drawn into the District distribution mains.

##### **4.1.4 Fixture.**

Any sink, tub, shower, water closet or any other facility connected by drain to a sewer.

##### **4.1.5 Floatable Oil.**

Oil, fat or grease in a physical state, such that it will separate by gravity from waste water by treatment in an approved pre-treatment facility. The waste water shall be considered free of floatable fat, if it is properly treated and the waste water does not interfere with the collection system.

##### **4.1.6 Garbage.**

Shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods and the handling, storage and sale of produce.

##### **4.1.7 Interceptor.**

The device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes and permit normal sewage or liquid waste to discharge into the disposal terminal by gravity.

##### **4.1.8 Natural Outlet.**

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

##### **4.1.9 Outside Sewer.**

A sanitary sewer beyond the limits of the District not subject to the control or jurisdiction of the District.

##### **4.1.10 Permit.**

The written authorization required pursuant to this or any other rule, regulation or resolution of the District for the installation of any sewer or water works.

##### **4.1.11 pH.**

The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of seven and hydrogen ion concentration of  $10^{-7}$ .

##### **4.1.12 Plumbing System Unit.**

All plumbing fixtures and traps or soil waste and vent pipes and all sanitary sewer pipes within a building and extending to the building's sewer connection.

##### **4.1.13 Properly Shredded Garbage.**

Shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.

#### **4.1.14 Slug.**

Shall mean any discharge of water or waste water which in concentration of any given constituent or in quantity of flow exceeds for any period longer than 15 minutes, more than five times the average 24-hour concentration. A slug also means any flows during normal operation which shall adversely effect the collection system and/or performance of the waste water treatment works.

#### **4.1.15 Storm Drain.**

Shall mean the drain or sewer for conveying water, ground water, sub-surface water or unpolluted water from any source.

#### **4.1.16 Suspended Solids.**

Shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, waste water or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Waste Water." and referred to as non-filterable residue.

#### **4.1.17 Water Meter Set.**

Shall mean the complete unit required for measuring water delivered to the customer's property. This complete unit includes the meter(s), can and top, or vault, all valves, piping, and special appurtenances inside the can or vault.

REVISED: 12/8/87 EFFECTIVE 1/1/88

#### **4.1.18 Water Service Line.**

A "water service line" is the pipe carrying water from the District's water main in the public street, alley, or dedicated right-of-way to a building or other point of use on the property. All costs for the installation, maintenance, and/or replacement of these shall be borne by the property owner except for those installed prior to the implementation date of this revision.

## **Article 2. GENERAL CONDITIONS OF OWNERSHIP AND OPERATION OF WATER AND SEWER SYSTEMS.**

#### **4.2.2 Responsibilities of District.**

The District is responsible for the operation and maintenance of the sewage collection system, water distribution system and treatment works, which operation and maintenance shall be carried out in a sound and economical manner, in accordance with these Rules and Regulations. It shall not be liable or responsible for inadequate treatment or interruption of service brought about by circumstances beyond its control.

The District is generally responsible for providing capital facilities, and shall endeavor to plan for, capitalize and build adequate capital improvements as rapidly as possible consistent with fiscal responsibility and the best interests of the District; but the District shall not be liable or responsible for failure to approve additional services when capacity is exceeded by demand.

#### **4.2.2 Liability of District.**

It is expressly stipulated that no claim for damage shall be made against the District by reason of the following: blockage in the system causing the backup of effluent; damage caused by "smoking" of lines to determine drainage connections to District lines; breakage of service mains by District personnel and interruption of service and the conditions resulting therefrom; breaking of any service or supply line, pipe, cock, or meter by any employee of the District; failure of the water supply; shutting off or turning on water in the water mains; making of connections or extensions; damage caused by water running or escaping from open or defective faucets; burst service pipes or other facilities not owned by the District; damage to water heaters, boilers, or other appliances resulting from shutting water off, or for turning it on, or from inadequate or sporadic pressures, or for doing anything to the system of the District deemed necessary by the Board of Directors or their agents. The District shall have no responsibility for notification to customers of any of the foregoing conditions. The District hereby reserves the right to cut off the water supply at any time, for any reason deemed appropriate. This

REVISED: 12/8/87 EFFECTIVE 1/1/88

paragraph shall not relieve the District from liability for negligence of its employees, if such liability would otherwise have existed.

#### **4.2.3 Ownership of Facilities.**

All existing and future mains and treatment works connected with and forming an integral part of the water and sewage system shall become and are the property of the District, unless any contract with owner or customer provides otherwise. Said ownership will remain valid whether the mains and treatment works are constructed, financed, paid for, or otherwise acquired by the District, or by other persons.

That portion of all existing or future sewer service lines extending from the main to each unit or building and all existing or future water service lines extending from the curb cock and box to each unit or building for each customer that is connected with and forms an integral part of the District's system, shall become and is the property of the customer. This principle shall not be changed by the fact the District might construct, finance, pay for, repair, maintain or otherwise affect the customer's service line.

#### **4.2.4 Inspection Powers and Authority of District Agents.**

The Manager and other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter upon all properties within the District, for the purpose of inspection, observation, measurement, sampling, and testing any of the water or wastewater facilities, in accordance with the provisions of these Rules and Regulations.

#### **4.2.5 Unauthorized Tampering with System.**

a. No unauthorized person shall uncover, make any connection with or opening onto, use, alter, or disturb any sewer or water main or appurtenance without first obtaining a written permit from the District.

b. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any portion of the District's system, including fire hydrants, manholes, valves and other appurtenances.

#### **4.2.6 Liability for Violation.**

a. Any person violating any of the provisions of the Rules and Regulations of the District shall become liable to the District for any expense, loss or damage incurred by the District by reason of such violation.

b. Any person who shall, without authorization, tamper with the District's water or sewer system shall be charged with a misdemeanor and upon conviction thereof shall be fined in an amount as established by the Court.

c. All persons shall be held strictly responsible for any and all acts of their agents or employees done under or contrary to the provisions of these rules or regulations.

d. Any person violating any of these rules or regulations shall be subject to the termination of water and/or wastewater service at the discretion of the Board. In addition, the District may avail itself of any civil remedies available to it. Upon any disconnection of water or sewer service, the District Manager shall estimate the cost of disconnection from and reconnection to the District's system and users shall deposit the cost, as estimated, of disconnection and reconnection before user is reconnected to the system. The District Manager shall refund any part of the deposit remaining after payment of any and all costs of disconnection and reconnection.

e. If disconnected, during the period of such disconnection human habitation of such premises may constitute a public nuisance and the District, in its discretion, may cause proceedings to be brought for the abatement of the occupancy of said premises by humans during the period of such disconnection. In such event, and as a condition of reconnection, reasonable attorney's fees and costs of suit shall be paid to the District.

#### **4.2.7 Customer Responsibility for Maintenance.**

Each customer shall be responsible for maintaining the entire length of the service line serving his property from the building to the District laterals. Leaks or breaks in the service line shall be repaired by the property owner within seventy-two (72) hours of obtaining knowledge of the leak or from the time of notification of such condition by the District. If satisfactory progress toward repairing said leak has not been completed within the time period allowed or if an emergency situation is deemed to exist, the Manager shall shut off this service until the leak or break has been repaired. In addition, the District shall have the right to effect the repair and collect the cost therefore from the customer. Such cost shall constitute a perpetual lien against the property of such customer securing payment of such cost, whether or not such lien against the property is formalized.

#### **4.2.8 Connection Mandatory.**

The owner of any premises, houses, buildings or properties used for any purposes, situated within the District and within four hundred (400) feet of a District sanitary sewer or water line shall, in accordance with C.R.S. 32-1-1006(a), connect such building directly with the water or sewer line of the District within twenty (20) days after written notice sent by registered or certified mail to do so. If such connection is not begun within twenty (20) days, the District may thereafter connect the premises to the sewer and/or water system and shall have a perpetual lien on and against the premises for the cost of making the connection and any such lien may be foreclosed in the same manner as provided by the laws of this State for the foreclosure of mechanic's liens. Connection charges shall be as set forth in [\(Appendix A\)](#). **Revised: February 23, 2016 per [Resolution No. 2016-11](#).**

#### **4.2.9 Modification, Waiver or Suspension of Rules.**

Any person who, by reason of special circumstances, is of the opinion that any provision of these rules and regulations is unjust or inequitable as applied to his premises, may make written application to the Board stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.

a. The Board may, on its own motion, find that by reason of special circumstances any provision of these rules and regulations should be suspended or modified as applied to a particular case; and may, by resolution or motion, order such suspension or modification for such case during the period of such special circumstances or any part thereof.

b. Any such waiver, suspension or modification shall be in writing, signed by the Board or Manager. Such waiver, suspension or modification shall not be deemed an amendment of the rules and regulations nor as a precedent for any other special circumstances.

### **Article 3. SEWER REGULATIONS.**

#### **4.3.1 General.**

The District is responsible for protecting public health, safety and welfare by controlling substances, materials, waters or wastes deposited in water courses, subsurface drainages and ground waters. The District's sewer system is designed for the disposal of water contaminated by biodegradable wastes and therefore establishes these regulations regarding discharges into the public sewer system.

#### **4.3.2 Special Permit Wastes.**

The substances, materials, waters or wastes, described herein may be discharged into the District's system only by special permit issued by the District. Such special permit shall ensure that such discharges shall be in concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger the lives, public health, public safety, public welfare, public property or constitute a nuisance. The District may set limitations lower than the limitations established in the regulations below if, in its opinion, more severe limitations are necessary to meet the above objectives. In determining the acceptability of the foregoing substances the District shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities of the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste and the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be discharged without a special permit from the District shall apply, but are not limited, to the following:

- a. Wastewater having a temperature higher than 150 degrees F (65 degrees C).
- b. Wastewater containing more than 25 mg. per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- c. Wastewater from industrial plants containing floatable oils, fat, or grease.
- d. Any garbage that has not been properly shredded (see 4.1.13). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- e. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the District Manager for such materials.
- f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the District Manager.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District Manager in compliance with applicable state or federal regulations.
- h. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- i. Waters or waste containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- j. Public or private swimming pool wastes, storm water, surface water, groundwater, roof run-off, subsurface drainage, cooling water, or unpolluted industrial process waters.
- k. Any septic tank sludge, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solid or gas.
- l. Any waters containing toxic or poisonous solids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with the sewage treatment process.
- m. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater works, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, either whole or ground by garbage grinders in quantities capable of causing obstruction to the flow of sewers.
- n. Manufacturing and industrial wastes.
- o. Any other waters or wastes, whether liquid, solid or gas, capable of adverse interaction with other water or wastes in the public sewer system releasing obnoxious gases, forming suspended solids which interfere with or cause obstructions to the collection system or otherwise create a condition deleterious to structures and treatment processes.

#### **4.3.3 Special Permit Procedure.**

Application for a special permit for authorization to discharge the aforementioned water shall be made in writing to the District and shall describe the type of waste proposed to be discharged, the frequency of discharge, the expected duration of the special permit, and other pertinent information which may be requested by the District Manager or Board of Directors. If the special permit is granted, said special permit authorization shall be in writing from the District and shall state all terms and conditions of the permit.

Said terms and conditions may include the pretreatment alternatives and waste reporting alternatives stated below, but by no means are limited to such special conditions or reporting requirements.

#### **4.3.4 Pretreatment Alternatives.**

Among the types of pretreatment requirements which may be included in the terms and conditions of a special permit are the following:

- a. Require pretreatment to an acceptable condition for discharge to the public sewer.
- b. Require control over the quantities and rates of discharge.
- c. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of the District's existing tap fees and service charge schedule.
- d. In considering the above alternatives the District shall give consideration to the economic impact of each alternative on the discharger. If the District permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District.

#### **4.3.5 Waste Reporting.**

As part of the terms and conditions of any special permit or to determine whether a special permit may be required of a particular user the District may require a user of sewer services to provide the following:

- a. Peak rate and volume of wastewater discharged over a specified period of time.
- b. Chemical analysis of wastewater.
- c. Information on raw materials, processes and products affecting wastewater volume and quality.
- d. Quantity and disposition of specific liquid, sludge, oil, solvent or the materials important to sewer use control.
- e. A plot plan of sewers on the users' property showing sewer and pretreatment facility location.
- f. Details of systems to prevent and control the losses of materials through spills into the District's sewer.
- g. The owner of any property serviced by sewer which may require a special permit may be required to install a suitable structure, such as a manhole, together with necessary meters and other appurtenances in the building's sewer to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessibly and safely located and shall be constructed in accordance with the plans approved by the District. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- h. Where pretreatment or flow equalization facilities are provided or required for any waters or wastes, they shall be maintained in satisfactory and effective operation by the owner, at his expense.

#### **4.3.6 Standards.**

All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis, subject to approval by the District.

#### **4.3.7 Prior Agreement.**

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment.

## **Article 4. WATER REGULATIONS.**

#### **4.4.1 General.**

This section is intended to provide general regulations regarding use of the District's water system. All applicants for and users of service and connections to the system shall be required to accept such conditions of pressure, supply and service as are provided by the distribution system at the location of the service connection and hold the District harmless for any damages arising out of low pressure, high pressure, inadequate supply or interruptions of service. The District specifically does not accept responsibility for the maintenance of pressure and it reserves the right to discontinue service while making repairs, replacement and connections or performing other work in the operation of the water system. Consumers dependent upon a continuous supply should provide emergency storage.

#### **4.4.2 Supply to Separate Structures.**

Except as provided elsewhere or by special agreement, each house or structure for

which the application for water service is hereafter made which fronts on a public street or private road shall have a separate service connection, including a separate meter.

#### **4.4.3 Ground Wire Attachments.**

All persons are forbidden to attach any ground wire or wires to any plumbing which is or may be connected to a service connection

or main belonging to the District unless such plumbing is adequately connected to an effective driven ground installation on the premises. The District will hold the customer liable for any damage to its property occasioned by such ground wire attachments.

#### **4.4.4 Cross Connections.**

All persons must comply with local, state and federal laws governing the separation of dual water systems or installation of backflow protective devices to protect the public water supply from the damage of cross connections. Backflow protective devices must be installed as near the service as possible and shall be open to test and inspection by the District. Plans for installation of backflow protective devices must be approved by the District prior to installation.

a. In special circumstances when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial process waters, the District may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection of the backflow preventive devices.

b. As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by him, at his expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.

c. Whenever backflow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the District's mains entering such premises, building or structures shall be protected by an approved backflow device, regardless of the use of the additional water supply line.

d. The double check valve or other approved backflow protection devices may be inspected and tested periodically for water tightness by the District. The devices shall be serviced, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by the customer.

e. The service of water to any premises may be immediately discontinued by the District if any defect is found in the check valve installation or other protective devices, or

if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

#### **4.4.5 Additional Service Connection Rules.**

Not more than one service connection for domestic or commercial supplies shall be installed for one building except under special conditions. A service connection shall not be used to supply adjoining property or a building under different ownership. When property with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

#### **4.4.6 Ingress and Egress.**

Representatives from the District shall have the right of ingress and egress to the customer's premises at reasonable hours for any purpose reasonable connected with the furnishing of water service.

#### **4.5.1 Water Meters Required.**

All building services shall be metered. A sum of money shall be deposited with the District prior to installation of the facilities to pay all or a portion of the cost of said installation. The building service connection between the curb cock and box and main, whether located on public or private property, is the property of the District for purposes of the District reserving the right to repair, replace and maintain it as well as to remove it upon discontinuance of service.

#### **4.5.2 Building and Service Connections.**

The District will furnish and install a service of such size and at such location as the applicant requests provided such requests are reasonable. The service will be installed from its water distribution main to the curb line or property line of the premises which may abut on the street, or other thoroughfares, or on the District's right-of-way or easement.

a. All metered service connections will be charged the applicable connection charge. The applicant shall deposit an amount equal to the cost of such meter size as determined by the District Manager.

b. Only duly authorized employees or agents of the District will be permitted to install that portion of a service connection from the District's main to the curb cock and box. The remaining portion of the building's service line from the curb cock and box

REVISED 7/1/91

to the building shall be installed by the customer's contractor, at the customer's expense, in accordance with all applicable requirements of the District. The cost of the curb cock and box as well as the line from the District main to said curb cock and box shall be considered part of the connection charge.

c. The provisions of this part 2 shall not apply to Subdivisions or Re-subdivisions of existing lots or parcels.

#### **4.5.3 Meter Installations.**

Upon application and payment of the connection charges, the District will install a proper sized meter in a frost proof box at the property line of the applicant.

#### 4.5.4 Size and Location.

The District reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises served. The laying of the service line to the curb cock and box should not be done until the location of the service connection has been approved by the District. The service between the curb cock and box and the building served by the installation shall be the property of the customer and shall be maintained by the customer at his expense. The minimum meter sizes and sizes of customer service line between the meter and the building served shall be based on the total residential units including irrigation, or their equivalent to be served.

Total Minimum Meter Minimum Customer Units Size Service Line Size\*

1 (less than 1 acre) 3/4" 1"  
1 (1 acre or more) 1" 1-1/4"  
2 1" 1-1/4"  
3 to 5 1-1/2" 2"  
6 to 9 2" 2-1/2"  
10 to 29 3" 4"  
30 to 59 4" 4" to 6"  
Over 59 6" plus 6" to 8"

\*Distance or length not to exceed 100 feet without increasing service line size.

The customer service lines must be large enough to provide a minimum pressure of 30 P.S.I. in the building at maximum probable flow as calculated in accordance with the Uniform Plumbing Code. Minimum size of customer service line to each unit from internal distribution line shall not be less than 3/4".

REVISED: 7/1/91

In addition, the maximum flow must not exceed the following limits through the meter.

Meter Size Maximum Peak Flow

3/4" 25 G.P.M.  
1" 40 G.P.M.  
1-1/2" 80 G.P.M.  
2" 128 G.P.M.  
3" 240 G.P.M.  
4" 400 G.P.M.  
6" 800 G.P.M.

#### 4.5.5 Change in Location of Meter Equipment.

Meter equipment moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the District's property will be moved at the District's expense.

#### 4.5.6 Curb Cock.

When circumstances dictate, the District may require that a curb cock be installed. When this added requirement is made the District will furnish the required curb cock and box. Upon installation, the curb cock and box shall remain the District's property. If the curb cock is damaged by the customer's use to the extent that replacement is necessary, such replacement shall be at the customer's expense.

#### 4.5.7 Meter Tests - Deposits.

All meters shall be tested prior to installation and no meter will be installed which registers more than two percent (2%) fast. Meters shall be tested upon the customer's request upon receipt of a testing deposit set forth in ([Appendix A](#)). Should the meter register more than two percent (2%) fast, the service deposit shall be refunded to the customer; but should the meter register less than two percent (2%) fast, the deposit shall be retained by the District, and, in addition, the customer shall be required to pay any testing cost in excess of the deposit.

#### 4.5.8 Adjustment for Meter Errors - Fast Meters.

If a meter tested at the request of a customer pursuant to Section 4.5.7 is found to be more than two percent (2%) fast, the excess charges for the time service was rendered the customer requesting the test, or for a period of six months, whichever shall be the lesser, shall be refunded to the customer.

#### 4.5.9 Adjustment for Meter Errors - Slow Meters.

If a meter tested at the request of a customer pursuant to paragraph 5.7 is

REVISED: 12/8/87 EFFECTIVE: 1/1/88

found to be more than twenty-five percent (25%) slow, in the case of domestic service, or more than five percent (5%) slow for other than domestic services, the District may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, that the meter was in use.

#### **4.5.10 Non-Registering Meters.**

If a meter is found to be not registering, the charges for service shall be at the minimum rate or based on the estimated consumption from previous consumption for a comparable period or by such other method as is determined by the District and its decision shall be final.

#### **4.5.11 Meter re-reads.**

Customers are entitled to one meter re-read each calendar year at no charge. Subsequent meter re-reads will be charged to the customer's account at the rate specified in ([Appendix A](#)) if less than a discrepancy of ten thousand (10,000) gallons is found to exist when the recorded reading has been adjusted to compensate for any consumption since the recorded reading.

## **Article 6. PRIVATE FIRE PROTECTION.**

### **4.6.1 Payment of Cost.**

The applicant for private fire protection service not now installed shall pay the total actual cost of installation of the service from the water main to the customer's premises, including the cost of a detector check meter or other suitable and equivalent device, valve, and meter box, said installation to become the property of the District. The District may agree to install the connection and meter at cost plus ten percent (10%).

### **4.6.2 No Connection to Other System.**

There shall be no connections between this fire protection system and any other water distribution system on the premises.

### **4.6.3 Use.**

There shall be no water used through the fire protection service except to extinguish fires and for testing the fire fighting equipment.

### **4.6.4 Meter Rates.**

Any consumption recorded on the meter will be charged for at double the regular service rates except that no charge will be made for water used to extinguish accidental fires where such fires have been reported to the duly authorized fire protection agency.

### **4.6.5 Monthly Rates.**

The monthly rates for private fire protection shall be established in the District's Schedule of Rates ([Appendix A](#)).

REVISED: 12/8/87 EFFECTIVE: 1/1/88

### **4.6.6 Water for Fire Storage Tanks.**

Occasionally, water may be obtained from a private fire service for filling a tank connected with the fire service, but only if written permission is secured from the District in advance and an approved means of measurement is available. The regular water rates will be applied.

### **4.6.7 Violation of Agreement.**

If water is used from a private fire service in violation of the agreement or of these regulations, the District may, at its option, discontinue and remove the service.

### **4.6.8 Water Pressure and Supply.**

The District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

### **4.6.9. Rules.**

The following rules shall apply to fire service connections:

- a. Valve.** When a fire service connection is installed, the valve governing same will be closed and sealed and remain so until a written order is received from the owner of the premises to have the water turned on.
- b. Meter.** If the District does not require a meter, and if water is used through a fire service connection for any other purpose than extinguishing of fires, the District shall have the right to place a meter on the fire service connection at the owner's expense, or shut off the entire water supply from such premises.
- c. Additional Service.** The District shall have the right to take a domestic, commercial, or industrial service connection from the fire service connection at the curb to supply the same premises as those to which the fire service connection belongs. The District shall

also have the right to determine the proportion of the installation costs properly chargeable to each service connection, if such segregation of costs shall become necessary.

d. Check Valves. The District reserves the right to install on all fire service connections a check valve of a type approved by the National Board of Fire Underwriters, and to equip the same with a bypass meter at the expense of the owner of the property.

## Article 7. TEMPORARY WATER SERVICE.

### 4.7.1 Duration of Service.

Temporary service connection shall be discontinued and terminated within six (6) months after installation unless an extension of time is granted in writing by the District.

### 4.7.2 Deposit.

An applicant shall deposit, in advance, the charge as reflected in (Appendix A) for temporary water service. In addition there shall also be an installation, removal, and relocation charge.

### 4.7.3 Installation of Operation.

All facilities for temporary service to the customer connection shall be made by the District and shall be operated in accordance with its instructions.

### 4.7.4 Responsibility for Meters and Installation.

The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the District which are involved in furnishing the temporary service from the time they are installed until they are removed, or until 48 hours notice in writing has been given to the District that the contractor or other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer.

### 4.7.5 Temporary Service from a Fire Hydrant.

If temporary service is supplied from a fire hydrant, a permit for the use of a hydrant shall be obtained from the District. It is specifically prohibited to operate the valve of any fire hydrant other than by the use of a spanner wrench designed for this purpose. Any user of water service by fire hydrant permitted by the District, must inform the District daily of any use of water from any particular hydrant and must identify the hydrant by hydrant number and location to the District. The District shall charge a deposit for a hydrant meter, a permit fee and a charge for water use from any hydrant as set forth in Appendix A.

### 4.7.6 Unauthorized Use of Hydrants.

Tampering with any fire hydrant for the unauthorized use of water therefrom, or for any other purpose, is a misdemeanor, punishable by law.

### 4.7.7 Charge for Unauthorized Use of Fire Hydrants.

In the event any person, other than organized fire protection agencies, makes any connection to a fire hydrant without written permission from the District, a charge of Two Hundred Fifty Dollars (\$250.00) shall

be paid to the District by the person making such connection. Any such unauthorized connection shall be immediately disconnected upon discovery thereof.

### 4.7.8 From Other Than Fire Hydrant.

A temporary service connection from a primary source other than a fire hydrant may be procured upon application to the District. Such connection shall be in accordance with this Article.

## Article 8. SERVICE LINE SPECIFICATIONS.

### 4.8.1 Specifications.

Minimum specifications for the construction of sewer service lines and water service lines have been adopted by the District. All installations of these service lines shall comply with said specifications.

### 4.8.2 Licensed Plumber Required.

Water and sewer service lines shall be installed by a plumber duly licensed by the State of Colorado in accordance with these regulations at the expense of the property owner. The water service line runs from the building to the corporation stop which corporation stop shall be installed by the District. The District will connect the water lateral line from the main to the corporation stop. The sewer service line runs from the building being served to the District lateral sewer. The District will connect the sewer lateral line service to the sewer main.

### 4.8.3 Backfill and Cover.

All service lines and laterals shall be installed with a minimum of four (4) feet of cover. Excavation, trench shaping, pipe bedding, and backfilling are subject to approval of the District's inspector who shall inspect all service lines before they are backfilled. Backfill shall be so compacted that no line will be broken by settlement. All backfills of cuts in public rights-of-way shall be in compliance with the requirements of the District, the County, and the State of Colorado.

#### **4.8.4 Service Installation Prior to Paving.**

The District requires all building service lines (both water and sewer) to be installed prior to street paving and be installed to the property lines as directed by the District at the time the main lines are constructed.

#### **4.8.5 Inspection.**

The applicant for the building sewer or water service permit shall notify the District Manager when the building sewer or water service is ready for inspection and connection to the public water or sewer system. The connection shall be made under his supervision or that of his designated deputy.

#### **4.8.6 Other Permits.**

No permits issued by the District shall be taken as authority for the making of any cut in public road or street nor in lieu of any permit required by any other regulatory body.

#### **4.8.7 Barricades.**

All excavation for building, sewer or water service installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District, County or other regulatory body.

#### **4.8.8 Unspecified Material.**

Before any water service line or sewer service line may be installed with materials not specified in these rules and regulations, written approval therefor must be obtained from the District.

#### **4.8.9 Disconnections.**

No water or sewer service line shall be disconnected from the District laterals or mains without the authorization of the District Manager, who shall specify how the same shall be discontinued.

### **4.8.10 SURFACE AND SUBSURFACE WATER DIVERSION**

a. In any structures erected on the property which is connected to the District Sewer System, if a sump for rain, surface or subsurface water or a subsurface, exterior drainage system is installed, a pump shall be installed and it shall be connected to a drainage system that shall discharge to atmosphere and it shall not be connected to the District's sewage collection system.

b. Should any property be found in violation of this regulation, the District may terminate water service to said property without notice. Water service shall not be renewed to the property until the violation is corrected. In addition, the District may charge a fee equal to the fee determined by paragraph 4.10.8 The Unauthorized Connection Fee plus all actual costs of the District for inspection, administration and legal fees to insure the correction of the violation and for any collection of any amounts due.

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## **Article 9. CONSTRUCTION OF MAIN LINE EXTENSIONS.**

#### **4.9.1 Specifications.**

Minimum specifications for construction of sewer main extensions or water main extensions have been adopted by the District. All installations of these extensions shall comply with said specifications.

#### **4.9.2 Sewer and Water Main Extension Applications.**

A developer or constructor desiring the District to serve any undeveloped area must submit to the Board a preliminary map of the area to be developed, a work plan for all water and sewer facilities to be constructed, and a cost estimate for such water and sewer facilities, including an inflation factor. If appropriate, all such plans for the extension shall be submitted to the District's Engineer for comment and recommendations prior to the Board acting to approve, approve with conditions, or disapprove the submitted documents.

#### **4.9.3 Processing of Sewer or Water Main Extensions with the State of Colorado, the County or Other Local Entity.**

The District assumes no responsibility for the processing of or decision not to process an application for main line extension before the Colorado Department of Health, the County or any other agency. The decision to process or not to process such an application rests solely with the developer or constructor of the main line and the District assumes no responsibility or liability for that decision.

#### **4.9.4 Location of Main Extensions and Additions, and Service Line Stub-Out Installation.**

Water or sewer mains shall be installed in roads or streets which the District, the County, the State Highway Department or other public agency has accepted for maintenance as a public right-of-way, as well as any easements granted for the use of the District. All lateral lines and service line stub-outs shall be installed to the property line at the time of construction of the main. All such main lines, laterals and stub-outs shall be constructed prior to paving.

#### **4.9.5 Procedure for Main Extension Construction.**

If applicant has agreed to the engineering layout or design and preliminary cost estimated for the work, he shall enter into a standard line extension contract with the District, covering standard regulations and specifications for line extensions and he shall either:

a. Deposit, in advance, with the District an amount equal to the cost of the contract to be let, including engineering expenses, administration and legal costs so that the District can construct the line extension through contract or with its own forces.

REVISED: 4/9/96 EFFECTIVE: 4/9/96

b. If the cost of the work shall increase through change order, the applicant shall be so notified and no change order shall be approved until the deficiency is added to the deposit. Upon completion of the work, the final cost shall be certified by the Manager or his designee and any overage refunded to or deficiency made up by the applicant.

c. All daily inspection fees on main construction required by the County, State Highway Department or local governments shall be paid by the plumber, contractor or others doing work in the District.

d. The applicant shall be responsible for "oversizing" main extensions as required by the District. Any oversizing required of the applicant shall be paid by the applicant, which may be subject to a recovery agreement allowing the applicant certain rights to recover from a subsequent extender, either of extender of mains beyond that of the applicant or of any connection to the main installed by the applicant.

#### **4.9.6 District Installed Main Lines.**

Nothing contained herein shall prohibit the District from constructing and paying for main line extensions. If so constructed and paid for by the District, the District shall have the authority to contract with the developer, if any, for the repayment of the District's costs in so extending the main lines. Additionally, a "main extension hookup fee" shall be imposed by the District in excess of the normal tap fee and plant investment fee in sufficient amounts to recover from each owner of a lot or property which may be served by the main line extension the pro-rata share of the cost of the main line extension.

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#### **4.9.7 Main Extension Hook-Up Fee.**

a. A main extension hookup fee shall be charged and assessed to all lots and/or properties which may be served by any main extension. The property owners or lot owners will be charged an amount equal to the total cost of the construction of the main extension divided by the number of lots and/or properties which may be served by the main extension.

b. Should a main extension be constructed and paid by any developer or other private party, upon collection of the main extension hookup fee by the District the District shall pay these funds to the person or entity that constructed and paid for the main extension.

c. If the main extension is constructed and paid for by the District the District shall assess a main extension hookup fee against the property in the pro-rata amounts set forth in sub-paragraph a. above to each lot or property.

d. No water or sewer tap shall be issued unless the main extension hookup fee is paid in full either at the time of application for a tap or at any time prior to that date.

e. The amount of the main extension hookup fee charged for each lot or property which may be served by a main extension shall be adjusted on January 15th of each year in an amount equal to the percentage set forth in the Engineering News Record Construction Cost Index.

f. The assessment for the main extension hookup fee shall constitute a perpetual lien on and against the lot or property which may be served by the main extension until the fee is paid.

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## **Article 10. APPLICATION AND PERMIT FOR SERVICE.**

#### **4.10.1 Connection Permit.**

a. Before any connection is made to the sewer or water mains a permit therefor shall be obtained from the District and the required charges therefor paid. Application for a water and sewer connection permit shall be made to the District on forms furnished by the District, which shall give a full description of the work to be done, the address of the unit to be served, the name of the licensed plumber to perform the work under the permit and such other information as may be required by the District. In addition, each application must be accompanied by a Certificate of Approval of the plans and specifications issued by the Pueblo West Committee of Architecture and no application will be considered until the Certificate of Approval is received. Any permit may be revoked if the installation or use of a water or sewer service line is not made in accordance with these regulations and any prescribed specification

of the County and the District.

**b. Plant Investment Fee, Water and Sewer -** A Water Plant Investment Fee and a Sewer Plant Investment Fee shall be charged at the time of receipt by the District of an application for water service. The Water Plant Investment Fee and the Sewer Plant Investment shall be collected at the time of receipt of the application by the District. If either the Water Plant Investment Fee or the Sewer Plant Investment Fee is not paid at the time the application is submitted, the application shall not be accepted or processed by the District. The Water Plant Investment Fee and the Sewer Plant Investment Fee to be charged and then collected is set forth in ([Appendix A](#)) to the Rules and Regulations. The Sewer Plant Investment Fee shall not apply to property that does not connect to the District's sewerage collection system.

#### **4.10.2 Separate Permit.**

Not more than one connection to the water or sewer mains shall be allowed under each permit. A permit shall be limited to one building. No combination of permits shall be allowed and each water and each sewer permit is separate from any other permit. No permit issued by the District shall be taken as authority for the making of any cut in a public road or street, nor shall such District permit be in lieu of any permit required by any other regulatory body.

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#### **4.10.3 Denial of Application.**

The District reserves the exclusive right to deny application for service when, in the opinion of the Board, the service applied for would create an excessive seasonal or other demand on the facilities. Denial may also be based upon an unresolved obligation between the District and the applicant, inadequate documentation or easements for main lines serving the property, or other valid reasons.

#### **4.10.4**

**Cancellation of Application and Refund of Fees.** The District reserves the right to revoke any application previously granted, before service has been provided. Application for service does not bind the applicant to "use the service". Such application shall be retained along with the fees paid, by the District, for a period of twelve (12) months. If the applicant has not then requested service, the application will be deemed to be canceled. The District may retain the fees paid until refund is requested; or may continue assessment of minimum service charges. The District shall, upon request, refund to applicant all sums paid less a processing fee of 20% thereof.

#### **4.10.5 Inclusions.**

Service will be furnished only to property which is included within and subject to the rules and regulations and taxation of the District, subject to the further provisions of these rules and regulations. It shall be incumbent upon the applicant to furnish satisfactory evidence of inclusion whenever such evidence is requested by the District. A formal request for inclusion into the District shall be made to the District in its standard form by the applicant, accompanied by a non-refundable payment of \$300.00 toward legal fees and costs of publication. Any additional costs which may occur shall be assessed and paid prior to approval by the Board.

#### **4.10.6 Service Outside the District.**

No service shall be provided property outside of the District except upon express written approval of the Board. Charges for furnishing service outside the District shall be at the discretion of the Board, but no service shall be furnished property outside the District unless the charge therefor equals at least the cost of service plus the estimated mill levy and tap fees for which such property would be responsible if it were a part of the District. In every case where the District furnishes service to property outside the District, the District reserve the right to discontinue the service when, in the judgment of the Board, it is in the best interests of the District to do so and such license shall be considered a revocable license.

#### **4.10.7 Change in Customer's Equipment or Service.**

**a.** No change in the customer's equipment or service shall be made without prior approval of the District being first obtained. Any change in a customer's equipment or service which increases the level of service provided by the District shall require a re-determination and payment of an increased tap fee and monthly service charge. The re-determined tap fee shall allow a credit for previously paid tap fees. Changes in a customer's equipment or service which results in a decrease in the service provided by the District shall not result in a reduction or refund of tap fees.

**b.** When the building served by the tap authorization is destroyed, the tap authorization is terminated unless specific written authorization for continuance thereof is given by the District Manager.

**c.** When the building served by the tap authorization, to include mobile homes and modular homes, is moved from the property, the installed meter shall be removed and the property shall revert to the Availability of Service (AOS) charges unless specific written authorization for continuance of service is granted by the District Manager. If the water service meter is removed, a reinstallation service charge of one hundred dollars (\$100.00) must be paid after property application and approval has been effected.

**4.10.8 Unauthorized Connection Fee.** An unauthorized connection fee equal to two times the amount of the normal tap fee in addition to the normal tap connection fee shall be payable by persons tapping onto the District's lines without prior payment of connection fees, approval of application or adequate inspection of lines.

## Article 11. RATES, CHARGES, AND BILLING.

### 4.11.1

a. General. The information contained in this Article is pertinent to all rates and charges of whatever nature to be levied for the provision of sewer and/or water services. Said rates and charges as established herein, and attached as [\(Appendix A\)](#), are in existence and effect at this time, under provisions of these rules and regulations and under the applicable statutes of the State of Colorado. Nothing contained herein shall limit the

Board from modifying rates and charges, from modifying any classification or from effecting such modification without prior notice, except for Availability of Service charges, which notice shall be provided per C.R.S. 32-1-1006(1)(h), et seq.

b. Sewer Service Charges. The District Manager shall review the total annual cost of operation and maintenance annually, in conjunction with the development and preparation of the District's annual budget, as well as each user's contribution percentage, for the purpose of revising the service charge system as necessary to assure equity of the established charge system and to assure that sufficient funds are obtained to adequately operate and maintain the sewer system treatment facilities.

Excess of revenues collected from a class of users compared to the costs of operations and maintenance attributable to that class of users shall be applied to that class' cost projected for the following year and the rates will be adjusted accordingly.

**4.11.2 Application of this Section.** The rates, charges and other information shown herein shall apply only to customers within the District and shall apply only to sewer and/or water service. These provisions shall in no way obligate the District with respect to any special agreement user. In those situations where, in the Board's sole discretion, the monthly service charges or tap fees provided herein do not represent a fair, reasonable and equitable charge for the intended use, the Board may adjust said rates.

### 4.11.3 Billings.

The term "monthly" for billing purposes shall mean the period between any two consecutive readings by the District of the meter(s) at the customer's property and such readings are to be taken as nearly as practicable every thirty (30) days.

Should the District be unable to read the meter(s) because of inclement weather conditions, the District Manager may authorize the estimation of meter readings. The basis for the estimation will be the customers consumption experience during the most recent like billing period. (e.g. December current year, vs. December prior year.) If the next reading shows that the bill for the amount of water delivered since the previous reading is not equal to as much as the minimum charge (RTS plus no-charge water) for each month that has passed since the previous meter reading, then the customer shall pay the minimum charge for each month since the last regular reading.

Failure to receive a bill in no way exempts the customer from payment for services rendered. The District will mail to the customer, at the service address shown on the application, or to another mailing address designated by the customer, a bill for water and sewer services delivered, and it shall be conclusively presumed that the customer received said bill by mail within seventy-two (72) hours after the bill was mailed.

### 4.11.4 Nonpayment.

Service shall be revocable by the District upon nonpayment of valid fees owing to the District. If bills are not paid within thirty (30) days after mailing by the District, the District may issue a notice, in writing, that disconnection will occur after ten (10) days of the date of mailing by first class mail, personal delivery or posting on the building being serviced. Said notice shall set forth:

- a. The reason for disconnection;
- b. The manner in which the District may be contacted for the purpose of resolving the obligation; and
- c. That there exists an opportunity for a hearing prior to disconnection.

If the obligation is not resolved within the time prescribed, service to the property shall be revoked by blocking or disconnecting the appropriate water or sewer line, either public or private, serving the property, and/or the District may proceed to foreclose the lien created by C.R.S. 32-1-1001 (1)(j) and 4.11.6 of these Rules and Regulations. All costs of disconnection and collection will be assessed to the customer.

### 4.11.5 Liability for Payment.

All fees, rates, tolls, penalties or charges shall constitute a perpetual lien on and against the property served and any such lien may be foreclosed in the same manner as provided by the laws of the State for the foreclosure of mechanic's liens. If the District takes any action to collect the payment of any customer's account which is late, the customer, in addition to any other damages assessed, shall be responsible for all turn off and turn on fees, all costs of the District, including reasonable attorney fees and court costs necessary to or incidental to the collection of said account.

It is the responsibility of the Purchaser of property to ascertain that the water and/or sewer account is paid to date of sale. (See Section 4.11.12e).

All charges for water and sewer service shall be billed directly to the owner of the property. All delinquent bills are the responsibility of the property owner and if service is turned off due to late payment or nonpayment all charges including delinquent payments must be paid before service shall be turned on to the property.

#### **4.11.6 Uncollectible Accounts.**

When any valid charges by the District become uncollected or uncollectible for any reason including, but not limited to, tax sale, foreclosure, bankruptcy or any other reason, service authorization to the property will terminate. Restoration of service will be authorized upon payment of the then current tap or connection fees as if it were a new service.

#### **4.11.7 Cash Deposit.**

The District shall require a cash deposit from all builders, contractors or agents thereof to ensure payment of costs incurred during construction. Any excess of deposit over actual costs shall be refunded to the building contractor or agent thereof. The District may require, at any time, from any customer or prospective customer, a cash deposit intended to ensure payment of current bills; such deposit will not exceed an estimated ninety (90) days' bill for such customer.

#### **4.11.8 Turn off and Turn on Fees.**

If services are turned off for any reason the turn off fee as set forth in [\(Appendix A\)](#) shall be charged. Upon payment of any fees or for any other reason upon the District turning on service to a property, a turn on fee as set forth in Appendix A shall be charged. It shall be illegal for any person other than authorized employees or officials of the District to turn off or turn on services.

If services to a property have been turned off, the property owner shall pay a turn on fee as set forth in Appendix A before the District shall turn on service to the property.

#### **4.11.9 Availability of Service Charge.**

A monthly service charge for water service availability shall be levied and opposed against property not connected to and serviced by District's water or sewer facilities where lines have been installed within 100 feet of the property line of the property. The monthly charge shall be billed and collected semi-annually in January and July each year for each month of non-use after line installation has been completed, or where the non-user's property has been disconnected for any reason from the District's sewer or water services, for each month of non-use after such disconnection. The Availability of Service Charges shall be as set forth in Appendix A.

#### **4.11.10 Distribution of Billings.**

The District reserves the right to issue only one bill for a multi-unit structure or developments; to issue one bill for all units serviced by a condominium or homeowners' association. In all instances owner of the property remains ultimately liable for all charges, fees, deposits, penalties, interest or other sums due in relation to water and sewer service provided by the District.

#### **4.11.11 After Hours Service Requests.**

If a customer requests service on other than regular work days (Monday through Friday) and outside of regular work hours (7:30 a.m. through 4:30 p.m.) which results in a "call-out" of a District representative, and it is determined that the emergency is on a customer's property (i.e. a leak, break or other problem is on the customer's side of the meter) a minimum fee set forth in Appendix A shall be charged to cover the minimum employee call-out cost. If costs exceed the minimal call-out costs, the prevailing over-time hourly rate set forth in Appendix A will be added to the minimum charge as required.

#### **4.11.12 Other Fees, Charges and Penalties.**

- a. A service charge will be levied against any account for which payment has been attempted with a dishonored check. The amount of the service charge is set forth in [\(Appendix A\)](#).
- b. If for reason of non-payment of Availability of Service charges it is deemed necessary to file a lien against property, a service charge will be added to defray related costs involved. Subsequent payments will be first applied to penalties, then to any interest and lastly to the Availability of Service charge. The amount of the service charge is set forth in Appendix A.
- c. All fees, charges and other payments due the District on any account are payable twenty-five (25) days from the billing date. Any payment received by the District more than twenty-five (25) days from the billing date shall be considered delinquent and the party responsible for paying the fee, charge or other payment shall be assessed and charged a penalty as set forth in [\(Appendix A\)](#). All payments received by the District shall be first applied to any penalties or interest charges assessed and then against sewer charges, and lastly against water charges.
- d. A "transfer charge" shall be made for any change of responsible parties listed on the account. The charge shall be levied against the new responsible party. The amount of the charge is as listed in Appendix A.
- e. The final reading fee as set forth in Appendix A shall be charges should any customer request a final reading for transfer or for turn off unless the final reading is on the normal meter reading date for that property. If the transfer of ownership of the property occurs the final billing shall be paid within three (3) days of the date of transfer of the property. If the final billing is not paid within three (3) days of the date of transfer, the District shall turn off water service to the property.
- f. A wastewater debt service fee for retirement of the principal of the loan received by the District for the biosolids capital project at the wastewater treatment plant shall be charged to all sewer/wastewater service accounts. The amount of said charge is set forth in [\(Appendix A\)](#), RATES AND CHARGES and shall be effective for the first billing date in the year 2012 and all subsequent monthly billings until the loan principal and interest has been repaid in full

## ARTICLE 12. WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN

### 4.12.1 PURPOSE

This Water Conservation and Drought Contingency Plan is adopted for the purpose of conserving the available water supply and protecting the integrity of the District's water system with particular regard of domestic water use, sanitation and fire protection and to protect and preserve public health, welfare and safety and minimize the adverse impacts of water supply, shortage or other water supply emergency conditions.

### 4.12.2 DEFINITIONS.

The following definitions shall apply to provisions of this Article 12. Two Year Normal Water Usage shall be defined as the number of 3/4 inch equivalent water taps supplying water to water users within the District existing on May 1 of any year multiplied times 1/2 acre foot of water multiplied times 2.

Two Year Water Supply shall be defined as the amount of water in storage plus the amount of water estimated to be available to the District by Twin Lakes Reservoir & Canal Company for the then current water year as determined by Twin Lakes Reservoir & Canal Company from time to time.

System Water Demand shall be defined as the amount of water produced and used by District water users on a daily, weekly or monthly basis as set forth in these Regulations.

Landscape Watering shall be defined as watering with underground sprinkler systems or with stationary or movable sprinklers attached to a hose (not hand held) of grass lawns.

Stage 1 – Conservation State – a water conservation state or Stage 1 of the Water Conservation and Drought Contingency Plan shall be in effect if any of the following criteria are met:

- a. The District's available two year water supply falls to 90% or less of the current two year normal usage; or

REVISED 6/11/02 EFFECTIVE 6/11/02

- b. The system water demand reaches 90% of treatment capacity daily for four (4) consecutive days; or

- c. Deficiencies in the District's distribution system limit supply capabilities.

Stage 2 – Water Warning – a water warning state or Stage 2 of the Water Conservation and Drought Contingency Plan shall be in effect if any of the following criteria are met:

- a. The District's available two year water supply falls to 80% or less of the current two year normal usage; or

- b. The system water demand reaches 96% of treatment capacity daily for four (4) consecutive days; or

- c. Deficiencies in the District's water distribution system limit supply capabilities.

Stage 3 – Water Emergency – a water emergency state or Stage 3 of the Water Conservation and Drought Contingency Plan shall be in effect if any of the following criteria are met:

- a. The District's available two year water supply falls to 70% or less of the current two year normal usage; or

- b. The system water demand reaches 100% of treatment capacity daily for four (4) consecutive days; or

- c. Short term deficiencies in the District's water distribution system limit supply capabilities such as but not limited to system outage due to failure or damage of major water system components.

Stage 4 – Water Crisis – a water crisis state or Stage 4 of the Water Conservation and Drought Contingency Plan shall be in effect if any of the following criteria are met:

- a. The District's available two year water supply falls to 60% or less of the current two year normal usage; or

- b. The system water demand reaches 110% of treatment capacity daily for four (4) consecutive days; or

- c. Short term deficiencies in the District's water distribution system that limit supply capabilities such as system outage or failure; or

- d. Inability to maintain or replenish adequate volumes of water in storage to provide for public health and safety.

REVISED 6/11/02

Stage 5 – Emergency Water Shortage – an emergency water shortage state or Stage 5 of the Water Conservation and Drought Contingency Plan shall be in effect if any of the following criteria are met:

- a. Major water line breaks or pump or system failures occur which cause unprecedented loss of capability to provide water service; or

- b. Natural or manmade contamination of the water supply sources.

### 4.12.3 SYSTEM MONITORING

**A.** The District Manager or his or her designee shall monitor the water system and the demand conditions for water usage of the District and shall determine when conditions warrant initiation or termination of each stage of the Water Conservation and Drought Contingency Plan.

#### **4.12.4 REQUIREMENTS AND RESTRICTIONS FOR STAGE 1 – CONSERVATION STATE**

When the District Manager determines that Stage 1 or Conservation State water or supply shortage is in effect he shall give notice and request all water users to voluntarily conserve water and voluntarily adhere to the following water use restrictions. The goal is to reduce total monthly water use by 10% of the previous year's usage. The following water use restrictions shall be mandatory for District owned facilities.

- a. Landscape watering for each landscaped area shall be limited to two (2) days per week and that such irrigation shall only occur between the hours of 12:01 a.m. and 7:00 a.m. and between the hours of 7:00 p.m. and 12:00 midnight. each day.
- b. Hydrant use for road compaction or other uses other than as required for fire fighting shall be eliminated. Where available reuse or well water will be used by the District for road compaction and construction.
- c. Vehicle washing shall be reduced except where health, safety and welfare of the public is contingent upon frequent vehicle cleansing.
- d. Limit irrigation of flowers, shrubs, trees and ornamental gardens to hand held garden hose, soaker hose, bucket or drip irrigation system.
- e. Request that all water users conserve and minimize or discontinue water use for all non-essential purposes.

REVISED 6/11/02

#### **B. WATER RESTRICTIONS FOR STAGE 2 – WATER WARNING**

When the District Manager determines that Stage 2 or water warning state is in effect he shall give notice and request all water users to voluntarily conserve water. The goal is to reduce total monthly water use by 20% from the previous year's usage. The following water use restrictions shall be in effect.

- a. All water restrictions set forth for Stage 1 – Conservation State set forth above.
- b. The implementation of a temporary conservation water use charge by the addition of a charge for consumption of all water above 25,000 gallons per month shall be charged at the rate of \$6.00 per thousand gallons.

This temporary water conservation rate shall apply to rate code number 41 set forth in Appendix A of the Rates and Charges of the Rules and Regulations of the District.

- c. Contracts and supplying of potable water outside the District shall be suspended where applicable.

#### **C. WATER RESTRICTIONS FOR STAGE 3 – WATER EMERGENCY**

When the District Manager determines that Stage 3 or water emergency state is in effect he shall give notice and request all water users to conserve water and adhere to the following water use restrictions. The goal is to reduce total monthly water use by 30% from the previous year's usage. The following water use restrictions shall be mandatory for all water users.

- a. All requirements of Stage 1 – Conservation State and Stage 2 – Water Warning shall remain in effect.
- b. Landscape watering shall be limited to two (2) days per week only between the hours of 12:01 a.m. and 7:00 a.m. and between the hours of 7:00 p.m. and 12 midnight on the day corresponding to the last two (2) digits of the service address as set forth below.
  1. Addresses that end in numbers 00 through 33 will be restricted to watering on Monday and Thursday only.
  2. Addresses that end in numbers 34 through 66 will be restricted to watering on Tuesday and Friday only.
  3. Addresses that end in number 67 through 99 will be restricted to watering on Wednesday and Saturday only.

REVISED 6/11/02

No watering shall be allowed from 12:01 a.m. to 12 midnight on Sundays. The lowest address number will identify properties having multiple addresses for one water meter. If no address exists for the property the District Manager or his or her designee will assign an address to the property for the purposes of this Article.

- c. The water usage rate for consumption greater than 10,000 gallons but less than 25,000 gallons per month shall be increased to \$4.00 per thousand gallons for all customers in rate code number 41 as set forth in Appendix A – Rates and Charges of the Rules and Regulations of the District.
- d. Limit irrigation of flowers, shrubs, trees and ornamental gardens to hand held garden hose, soaker hose, bucket or drip irrigation system.

#### **D. WATER RESTRICTIONS FOR STAGE 4 – WATER CRISIS**

When the District Manager determines that Stage 4 or water crisis state is in effect he shall give notice and request all water users to conserve water and adhere to the following water use restrictions. The goal is to reduce total monthly water use by an amount so the District is able to provide essential potable water for domestic use. The following water use restrictions shall be mandatory for all water users.

a. All requirements of Stage 1 – Conservation State, Stage 2 – Water Warning and Stage 3 – Water Emergency shall remain in effect during Stage 4 – Water Crisis.

b. There shall be no outside water usage permitted during a Stage 4 - Water Crisis.

#### **E. STAGE 5 – EMERGENCY WATER SHORTAGE**

The District Manager shall determine what stage or stages and which water restrictions shall be implemented and the specific water use restrictions necessary to protect the water system and provide adequate water supply for public consumption and hygiene. The goal is to reduce total monthly water use to allow the water system to recover from the emergency condition.

#### **4.12.5 FAILURE TO REACH GOALS**

If the water reduction goal of each stage set forth above has not been met the District Manager is authorized to declare a higher stage state of conservation necessary to achieve the required water use reduction.

REVISED 6/11/02

#### **4.12.6 VIOLATIONS.**

a. A water customer violates the restrictions of the Water Conservation and Drought Contingency Plan if he or she makes, causes or permits a use of water supplied by the District in violation of any of the restrictive measures implemented by the District Manager as set forth above after notice has been given pursuant to Section 4.12.9.

b. No person shall allow the use of water supplied by the District for residential, commercial, industrial, agriculture, governmental or any other purpose in a manner contrary or in violation of any provision of this Article or in an amount in excess of that permitted by this Article for any water conservation stage in effect at the time pursuant to notice as set forth in Section 4.12.9.

#### **4.12.6 PENALTIES.**

a. Any water customer found in violation of the mandatory restrictions as set forth above shall be penalized as follows:

1. A warning shall be issued for the first violation.

2. A penalty in the amount of \$50.00 shall be assessed for a second violation.

3. A penalty in the amount of \$500.00 shall be assessed for a third violation or for any violations in excess of three (3).

b. Each day that one or more of the provisions of the water restrictions set forth in this Article are violated shall constitute a separate violation. If a person commits three or more violations of the restrictions in each time period for which the restrictions have been implemented, after due notice to the customer as set forth in Section 4.11.4 of these Rules and Regulations, the District shall discontinue water service to the premises where such violations occur. Service to any premises where service has been discontinued shall be restored only upon payment of all fees pursuant to this Title 4 and any other costs incurred by the District in discontinuing service. Should any customer contest the finding of a violation by the

District the customer shall be entitled to a hearing before the District Manager if notice of such contest is received by the District within ten (10) days of the date of mailing of the Notice.

REVISED 6/11/02

#### **4.12.8 VARIANCE, WAIVER, OR SUSPENSION OF RESTRICTIONS**

a. Any person requesting a variance, waiver or suspension of the provisions of this Article shall file a petition for such variance with the District Manager within five (5) days after notice of a particular water conservation stage has been given by the District Manager. The Petition shall include:

1. The name and address of the petitioner.

2. The purpose of the water use claimed by the petitioner which cannot meet the restrictions.

3. The specific provisions of the Plan from which the petitioner is requesting relief.

4. A detailed statement as to how the specific provisions of the Plan adversely affect the petitioner or what damage or harm will occur to the petitioner or others if the petitioner complies with the restrictions in place.

5. A description of the relief requested.

6. The period of time for which the variance is sought.

7. Alternative water use restrictions or other measures that petitioner has taken or proposed to take to meet the goal of the water use reduction.

8. Other pertinent information.

b. The Manager or his or her designee may grant a temporary variance for existing water uses otherwise prohibited under this Article if he or she determines that failure to grant such a variance will cause an emergency condition adversely affecting the health, sanitation or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met.

1. Compliance with the provisions of this Article cannot be technically accomplished during the duration of the water supply shortage or other condition for which the restrictions are in effect.

2. Alternative methods can be implemented which achieve the same level of reduction in water use.

c. Any variance granted by the District Manager or his or her designee shall be subject to the following conditions unless waived by the District Manager.

REVISED 6/11/202

1. Variance granted shall include a time table for compliance.

2. Variances granted shall expire when restrictions for any particular water conservation stage is no longer in effect or if the petitioner fails to meet specified requirements whichever shall occur first.

#### **4.12.9 NOTICES.**

a. The District shall give notice of all increased rates pursuant to any provisions of this Article by mailing said notice to all water customers at least two (2) weeks prior to the beginning of any billing cycle.

b. The District shall give notice for any landscape watering restrictions two (2) weeks before said restriction goes into effect by mailing said notice to all water customers of the District.

c. In addition to the two (2) weeks mailing notice the District shall request that notification be given to the public by publication in a newspaper in general circulation within the District and shall attempt to give notice by requesting that radio and television stations disseminate the landscape watering restriction notice.

#### **4.12.10 TEMPORARY MODIFICATIONS.**

a. The District Manager, at the direction of the Board of Directors, may provide temporary modifications to the plan as it relates to hours of watering for landscape watering and for the watering of flowers, shrubs, trees and ornamental gardens.

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