

**RESOLUTION NO. 2015-7-1**

**HOLLY HILLS WATER AND SANITATION DISTRICT**

**ARAPAHOE AND DENVER COUNTIES, COLORADO**

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**A RESOLUTION ADOPTING RULES AND REGULATIONS FOR THE HOLLY HILLS WATER AND SANITATION DISTRICT**

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**WHEREAS**, the Board of Directors (“Board”) of the Holly Hills Water and Sanitation District (“District”) has the power and authority pursuant to § 32-1-1001(1)(m) C.R.S., to adopt rules and regulations not in conflict with the Constitution and the laws of this State for carrying on the business, objects and affairs of the Board and of the District; and

**WHEREAS**, after months of discussion and consideration, the Board considered on October 15, 2014 a draft set of Rules and Regulations, which the Board approved as modified by the Board during the meeting; and

**WHEREAS**, the Board requested that legal counsel prepare a Resolution formally adopting the Rules and Regulations, as modified by the Board, effective as of October 15, 2014; and

**WHEREAS**, the Rules and Regulations of the District, as modified by the Board during the October 15, 2014 meeting are attached hereto as Exhibit A; and

**WHEREAS**, the Board desires to formally adopt, effective as of October 15, 2014 the Rules and Regulations, and has determined that such action is in the best interest of the District and its inhabitants.

**NOW THEREFORE BE IT RESOLVED** by the Board of Directors of the Holly Hills Water and Sanitation District as follows:

**Section 1. Adoption of Rules and Regulations.** The Rules and Regulations of the Holly Hills Water and Sanitation District as approved by the Board on October 15, 2014 and as attached hereto as Exhibit A, and incorporated herein by this reference, are hereby approved and adopted effective as of October 15, 2014.

**Section 2. Interpretation.** The District, acting through its manager and consultants, and based upon the advice of its engineer and other consultants, reserves the right to interpret and change or rescind the adopted Rules and Regulations at any time and in addition, reserves the right to determine the meaning, purpose and effect of the

Rules and Regulations based upon generally accepted engineering standards and practices and rules of interpretation.

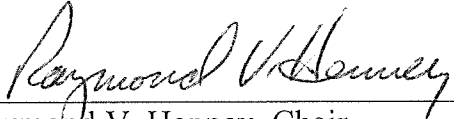
**Section 3. Severability.** If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.

**Section 4. All Acts, Order and Resolutions.** All acts, orders, and resolutions or parts thereof of the Board which are inconsistent or in conflict with this Resolution, are hereby repealed to the extent only of such inconsistency or conflict.

**Section 5. Effective Date.** The provisions of this Resolution shall take effect as of October 15, 2014.

**ADOPTED** on this 15<sup>th</sup> day of July, 2015 by the Board of Directors of the Holly Hills Water and Sanitation District.

HOLLY HILLS WATER AND  
SANITATION DISTRICT

By:   
Raymond V. Henney, Chair

Attest:

  
Irina Bovee, Secretary

**RULES AND REGULATIONS**

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**HOLLY HILLS**

**WATER AND SANITATION DISTRICT**

**ADOPTED OCTOBER 15, 2014**

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## ARTICLE I. GENERAL

Section 1.1 Enactment. These Rules and Regulations are adopted by the Board of Directors of the Holly Hills Water and Sanitation District (“District”), which is located in Arapahoe and Denver Counties, Colorado, in accordance with the authority granted to the Board in Title 32, Article I, Part 10, Colorado Revised Statutes.

Section 1.2 Purpose. The purpose of these Rules and Regulations, as the same be amended from time to time by the District’s Board of Directors, is to regulate the use and operation of the water distribution and wastewater collection systems of the District including additions, extensions and connections thereto. Water and wastewater service shall be available only in accordance with these Rules and Regulations, subject to availability of facilities and capacity, applicable District policies, and payment of all fees, charges and taxes, and subject to all applicable federal, state and local statutes and regulations, as the same now exist or hereafter may be amended from time to time. The primary purpose of these Rules and Regulations is to regulate the District’s Wastewater Collection System because water service is provided by the City and County of Denver acting by and through its Board of Water Commissioners (“Denver Water”) as more particularly described in Article 1.4.1 below.

Section 1.3 Titles. The titles and captions used in these Rules and Regulations are for convenience only and shall not be considered in interpreting their meaning or scope.

Section 1.4 Other Governmental Regulations/Conflicts. To the extent permitted by law and provided for by intergovernmental agreement, the applicable Rules and Regulations of Denver Water and the Metro Wastewater Reclamation District (“Metro”) are fully enforceable in the District’s contract water service and sewer service areas, respectively. Compliance therewith, when applicable, shall constitute a condition of receiving such services from the District. In the event of a conflict between the Rules and Regulations of either Denver Water or Metro and the District’s Rules and Regulations, the more restrictive regulations shall apply as determined by the District’s Board of Directors.

1.4.1 Water Service. The District provides Water Service through a Total Service Distributors Contract (“Total Service Contract”) with Denver Water. Pursuant to the Total Service Contract, Denver Water furnishes potable water to the District’s customers and operates, maintains, repairs and replaces the District’s Water Distribution System. In addition, Denver Water reads each Customer’s meter and bills each Customer.

Pursuant to the Total Service Contract, the use and operation of the District's water system is subject to and governed by the Operating Rules of Denver Water as the same now exist or may hereafter be amended from time to time. For that reason, the District's Board of Directors has elected to adopt minimal rules and regulations relating specifically to water service, and intends to rely upon Denver Water's Operating Rules, a copy of which can be downloaded from Denver Water's website located at [www.denverwater.org](http://www.denverwater.org). Nothing herein contained, however, shall be deemed to constitute a waiver of or in any way abridge the District's right to adopt more extensive Rules and Regulations governing water service to the extent the same are not in conflict with the Total Service Contract or any Denver Water Operating Rule.

Section 1.5 Severability. Should any article, section, subsection, sentence, clause or phrase of these Rules and Regulations be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of these Rules and Regulations, the intention being that the various articles, sections, subsections, etc., severable.

Section 1.6 Amendment. These Rules and Regulations may be altered, amended or added to from time to time and such alterations, additions or amendments shall be binding and of full force and effect as of the date of their adoption by the District's Board of Directors.

Section 1.7 Interpretation. These Rules and Regulations shall be liberally construed to effect the general purposes set forth herein. Nothing herein contained shall be construed or be deemed to constitute an alteration, waiver or abridgement of any grant of power, or authority conferred upon the District by law or under any contract or agreement existing between the District or any other entity. Nothing herein contained shall be construed as to prejudice or affect the right of the District to secure the full benefit and protection of any law which is now enacted or may subsequently be enacted by the Colorado General Assembly pertaining to the business and affairs of the District. Any ambiguity, conflict, admission, or question of interpretation of these Rules and Regulations shall be determined by the District's Board of Directors in its sole discretion.

Section 1.8 Savings Provision. The enactment of these Rules and Regulations and any amendment thereof or the repeal of any prior rule and regulation shall not deny or limit any right, action, cause of action, penalty, charge or fee which arose under such prior rule and regulation.

Section 1.9 Repeal of Any Conflicting Regulations. All prior District rules and regulations heretofore enacted which are in conflict with these Rules and Regulations are hereby repealed, except as may be expressly provided for herein.

Section 1.10 Prior Offenses. Nothing in these Rules and Regulations shall affect any offense or act committed or done, or any obligation, penalty or forfeiture incurred by any person or under any contract or right established or occurring before the effective date of these Rules and Regulations.

Section 1.11 No Damage for Failure to Enforce. Nothing contained herein shall create any right to damages against the District, its directors, officers, agents or employees for the District's failure to enforce any or all of these Rules and Regulations.

Section 1.12 Control and Operation of District Facilities. All water facilities of the District shall be under the management and control of Denver Water, subject to such rights as the District has retained under its Total Service Contract with Denver Water or otherwise. All wastewater facilities of the District shall be under the management and control of the District's Board of Directors, and its agents and designees. Except as stated in this section 1.12, no other person shall have any right to enter upon, inspect, operate, adjust, change, alter, move or relocate any portion of the District's water or wastewater facilities without the District's prior consent.

Section 1.13 Contract Subject to Rules and Regulations. Every contract that the District enters into shall be subject to these Rules and Regulations whether expressly referenced or not.

## **ARTICLE II. DEFINITIONS**

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

Section 2.1 Abandoned. To discontinue the use of any connection to the District's system in such a manner or under such circumstances as to permit the reasonable inference that such connection is no longer needed or desired by the Property Owner, such as the destruction and non-replacement of the improvements to which a service line had been connected.

Section 2.2 Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

Section 2.3 Actual Costs. All direct and indirect costs attributable to any project or undertaking. Actual cost to the District shall include its engineering, legal, labor, material, equipment, administrative, and overhead costs which shall be recovered by the District in accordance with various rates, fees, charges, and taxes established by the Board from time to time.

Section 2.4 Applicant. Means any person who applies to the District for a service connection, service disconnection, main extension or other service agreement, or who attempts to have real property included within or excluded from the District, as the case may be.

Section 2.5 Board or Board of Directors. The duly constituted Board of Directors of the District.

Section 2.6 Construction Observation Fees. Fees assessed for time expended by the District engineer or other designee of the District in observing the construction or new or repaired elements of the District's Wastewater Collection System or its Water Distribution System, including but not limited to, main extensions.

Section 2.7 Contractor. Any person who performs work, either for himself or another, on water and/or sewer lines, public or private, within the District, including all subcontractors agents, employees, officers and other representatives of such person.

Section 2.8 Customer. Any person, firm, corporation, association or agency who is authorized, or who desires, to obtain services from the District.

Section 2.9 Denver Water. The City and County of Denver, acting by and through its Board of Water Commissioners, its officers, agents, employees, consultants and representatives.

Section 2.10 District. The Holly Hills Water and Sanitation District, Arapahoe and Denver Counties, Colorado, and its authorized agents, officers, directors, insurers and professional consultants.

Section 2.11 District Engineer. A licensed professional engineer who has been authorized by the District to act as its engineer.

Section 2.12 District's Wastewater Collection System. All facilities owned or controlled directly by the District and used for collecting, pumping and disposing of wastewater. Sewer service lines are not part of the District's Wastewater Collection System.

Section 2.13 District's Water Distribution System. All facilities owned or controlled directly or indirectly by the District or for which dominion and control has been delegated to Denver Water and used for transmitting and distributing potable water. Water service lines or laterals are not part of the District's Water Distribution System.

Section 2.14 Domestic Wastewater. Liquid waste (a) from the non-commercial preparation, cooking and handling of food, or (b) containing bi-products of

washing, laundry, and household cleaning found in a normal household or (c) containing only human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities institutions or combinations thereof.

Section 2.15 Environmental Protection Agency or EPA. The US Environmental Protection Agency, where appropriate, the administrator or other duly authorized official of said Agency.

Section 2.16 Fats, Oils or Grease (FOG). Any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by Freon solvent, as specified in 40 CFR 136.3.

Section 2.17 Fees. All fees, rates, charges, penalties or surcharges for service or facilities, and which are imposed by the District pursuant to these Rules and Regulations, state statutes, contractual agreements, or by Board Action.

Section 2.18 Foreign Materials. Objects or substances not regularly, ordinarily or customarily transmitted by a sanitary wastewater collection system.

Section 2.19 Grease Interceptor. A passive interceptor having a rated flow exceeding fifty (50) gallons per minute, and is located outside of the building. This device separates and retains fats, oil, grease and other solids from the facility while permitting wastewater to discharge to the sewer.

Section 2.20 Grease Trap. A passive interceptor having a rated flow of less than fifty (50) gallons per minute and may be located inside or outside of the facility. This device separates and retains fats, oil, grease and other solids from the facility while permitting wastewater to discharge to the sewer.

Section 2.21 Ground Water. Water and/or other liquids found below the surface of the earth, from whatever source, including underground streams and percolating water.

Section 2.22 Inclusion Fee. A fee charged for including property into the District's territorial boundaries.

Section 2.23 Industrial Wastewater. The liquid waste from industrial manufacturing processes, trades or businesses as distinct from domestic wastewater. This wastewater may contain pollutants, elements and compounds such as, but not limited to, petroleum products, acids, solvents, salts and metals.

Section 2.24 Infiltration. Ground water, storm water, or other sources of water that leak through the walls of the sewer line or manhole that drains into a collection system.

Section 2.25 Inspector. An authorized representative of the District.

Section 2.26 Inspection Fees. Fees assessed for time expended by the District Engineer, Inspector or other agent for the inspection and observation of construction or new or repaired elements of the District's Wastewater Collection System or Water Distribution System or for the inspection of any grease interceptor or any other facility which the District has determined needs inspection.

Section 2.27 Interference. The inhibition or disruption of the POTW treatment process or operations which contributes to a violation of any requirement of Metro's Colorado Department of Public Health and Environment and/or NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (U.S.C. 1345), or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA, the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria, including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

Section 2.28 Licensed Premises. Licensed Premises as used herein shall have the same meaning as Permitted Premises, i.e. the land, area and improvements thereto to which water or sewer service is limited under any particular Tap Permit or, in the case of water service, water supply license issued by Denver Water.

Section 2.29 Metro. The Metro Wastewater Reclamation District, a quasi-municipal corporation which receives and treats wastewater from the District pursuant to the sewer connection agreement entered into between the District and Metro, a copy of which is on file at the District office.

Section 2.30 Main or Sewer Main. Any pipe and appurtenant facility of the District's Wastewater Collection System or Water Distribution System used for carrying wastewater or potable water, respectively.

Section 2.31 Main Extension. The construction of any main, or the main itself, which is intended to become a part of either the District's Wastewater Collection System or its Water Distribution System upon acceptance by the District in accordance with Article XI of these Rules and Regulations in the case of sanitary sewer mains, or by Denver Water in the case of water mains.

Section 2.32 NPDES Permit. The National Pollution Discharge Elimination Systems Permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Section 2.33 Nondomestic Wastewater. Any wastewater which is not domestic wastewater.

Section 2.34 Person. Any individual, firm, company, association, society, corporation, group, government, government agency or legal entity recognized by the District.

Section 2.35 Permit. The written permission from the Board or District to connect a sewer line that is under the jurisdiction of the District, pursuant to these Rules and Regulations of the District. May also be referred to as a Tap Service Connection Permit or Tap Permit.

Section 2.36 Permitted Premises. The land, area and improvements thereto to which sewer or water service is limited under any particular Tap Permit or, in the case of water service, Water Supply License issued by Denver Water.

Section 2.37 Plan Review Fees. Fees assessed for the review of plans for proposed construction of new elements of the District's Wastewater Collection System or Water Distribution System, including plan review and tap size calculations for new sewer service lines.

Section 2.38 Property Owner. Any Person who, solely or with others, owns real property within the District. When property is owned by more than one person, the term includes all Owners thereof. As used in these Rules and Regulations, the term shall apply to such person only in connection with his ownership of any specific parcel of real property involved in any specific matter governed by these Rules and Regulations. For purposes of clarity, the masculine singular pronoun is used in these Rules and Regulations to refer to Property Owner.

Section 2.39 Potable Water. Potable water is any water which is pure, wholesome, potable and does not endanger the lives or health of human beings and which conforms to requirements of the Safe Drinking Water Act or any other applicable standards.

Section 2.40 Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing pollutants in to a POTW.

Section 2.41 Pretreatment Standard. The national categorical pretreatment standard regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317).

Section 2.42 Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge munitions, chemical waste, biological materials, radioactive materials, heat, erect or discarded equipment, rock, sand, soil or dirt and industrial, municipal and agricultural waste discharged into water.

Section 2.43 Pollution. The manmade or man induced alteration of the chemical, physical, biological or radiological integrity of water.

Section 2.44 Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. 1291) which is owned by Metro. This includes any sewers that reclaim wastewater to the POT treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

Section 2.45 Public Sewer. A sewer which is controlled and maintained by public authority.

Section 2.46 Sanitary Sewer. A sewer which carries liquid and water carried waste from residences or nondomestic sources.

Section 2.47 Security Deposit. Any money required to be deposited with the District for the purpose of guaranteeing payment of utility bills required for water or sanitary sewer service.

Section 2.48 Service Line. The privately owned and maintained sanitary sewer service line or water service line from the connection on the District's Wastewater Collection System or Water Distribution System as the case may be and which extends to the improvements of the Customer.

Section 2.49 Sewer Collection System. Any sewer facility or facilities which are owned by the District.

Section 2.50 Sewer Main. The principal sewer to which lateral connections are tributary.

Section 2.51 Single Family Equivalent. This term is used to describe the basic unit of measurement for water and sewer tap fee and service charge determinations. The unit is based upon a single family residence. However, each residential unit within a multifamily residential structure is classified as a single family unit, and therefore represents one SFE. Residential, commercial and industrial buildings and improvements are classified, and the equivalency of the sewer tap determined in accordance with the Rules and Regulations adopted by Metro.

Section 2.52 Special Service Fee. Fees imposed by the District for providing temporary sewer services.

Section 2.53 Subsurface Structures. Any and all pipe, cable, conduits, wires, portions of buildings, drainage facilities and any other man made things of any kind or nature, all or some or part of which are located below the surface of the ground.



Section 2.54 Surface Water. Water from rain, springs, or melting snow, sprinkler systems, lakes, ponds, streams or other source which lies upon or above the surface of the ground, whether or not in a defined location, course or channel and including water and/or flowing from the roof or any part of any building or structure.

Section 2.55 Swimming Pool Discharge. Swimming pool filter backwash effluent transmitted to the District's Wastewater Collection System. The District does not permit the pool drain to be connected to the District's Wastewater Collection System, or pool water, except for the filtered backwash effluent, to enter the District's system.

Section 2.56 Swimming Pool Permit. Written permission granted by the District for connecting and discharging the effluent from a swimming pool filter backwash system to the District's Wastewater Collection System.

Section 2.57 Swimming Pool Service Fee. A fee that may be imposed by the District for discharging swimming pool filter backwash effluent into the District's Wastewater Collection System.

Section 2.58 Tap or Service Connection. The physical connection to a District sanitary sewer main or water distribution main, if applicable, together with a tap permit for the same, that affects water and/or sewer service, as applicable to any Permitted Premises.

Section 2.59 Tap Fee. A fee imposed by the District as prerequisite for connect to the District's Water Distribution System and/or Wastewater Collection System. This fee is based upon the total availability of service provided by the District, and is not limited to or a reflection of costs incurred in simply making the connection to the District's Water Distribution System and/or Wastewater Collection System, as the case may be.

Section 2.60 Tap Permit. The written authority from either Denver Water or the District to make a tap to either the District's Wastewater Collection System or to the District's Water Distribution System for the purpose of providing water and/or sanitary sewer service to the Permitted Premises from the District's system.

Section 2.61 Technical Standards and Specifications. The engineering standards and specifications prescribed by the District's engineer and adopted by the District's Board of Directors as the same may be amended or changed from time to time.

Section 2.62 Unauthorized Tap or Service Connection. Any tap which is made without having obtained a Tap Permit.

Section 2.63 User. Any Person or entity, who contributes to, causes or permits the contribution or introduction of wastewater into the District's Wastewater Collection System, or which is connected to and utilizes potable water from the District's Water Distribution System.

Section 2.64 Wastewater. The combination of the liquid and water carried industrial or domestic waste from facilities including, but not limited residences, commercial buildings, industrial facilities and institutions including cooling water, which is contributed into or permitted to enter the District's Wastewater Collection System.

### **ARTICLE III. RATES, FEES AND CHARGES**

Section 3.1 Rates, Fees and Charges for Water Service. All rates, fees, tolls, charges and penalties for water service are assessed and collected by Denver Water. It is the responsibility of the person, association, corporation, entity or governmental agency having ownership or control of the Permitted Premises licensed by Denver Water for water service purposes, to keep the water supply license for the Permitted Premises in force by paying all charges assessed by Denver Water.

Section 3.2 Rates, Fees and Charges for Wastewater Service. The rates, fees, tolls, charges, and penalties to be collected for the wastewater and related services provided by the District shall be established by the Board. The Board shall establish by Resolution (or other appropriate action) a Schedule of rates, fees and charges, which Schedule shall remain in effect until modified by subsequent action of the Board. The remedies provided in these Rules and Regulations for nonpayment of any rate, fee, toll charge or penalty are in addition to and are not in derogation of any other remedies available to the District pursuant to any law or regulation. In the event of any conflict or inconsistency between this Article III and any schedule of rates established by the Board, the Board shall determine which shall control.

Section 3.3 Perpetual Lien. Until paid, all fees, rates, tolls, charges, and penalties due in accordance with these Rules and Regulations, any industrial pretreatment agreement, or other agreement 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 Colorado for the foreclosure of mechanics liens.

Section 3.4 Joint and Several Liability. The District shall have the right to assess to any Permitted Premises that is delinquent in payment of any District rate, fee, toll, charge, or penalty, together with the person or persons having ownership or control of the Permitted Premises, all court and other costs necessary to or incidental to the collection of said delinquent amounts, including attorney's fees. All unpaid District fees, rates, tolls, charges, and penalties, together with the cost of collecting the same shall be secured by the perpetual lien referenced in Section

3.3 above. The Permitted Premises and person or persons having ownership or control of the Permitted Premises are jointly and severally liable for any rate, toll, fee, charge or penalty of the District. Any agreement entered into between any Customer, Owner, or any other Person with regard to the responsibility for the payment of any District rate, toll, fee, charge, and penalty shall be of no force and effect upon the District and the District may collect its rates, fees, tolls, charges, and penalties from any party or property responsible for payment.

Section 3.5 Change of Rates and Charges. Upon such notice as is required by law, the Board reserves the right to change or modify any District rate, fee, toll, charge or penalty or to establish any new rate, fee, toll, charge or penalty.

Section 3.6 System Development Charge (Tap Fee). A District system development charge or Tap Fee shall be collected with respect to each Permitted Premises requiring new or additional wastewater service pursuant to these Rules and Regulations. A property requiring additional capacity in the District's Wastewater Collection System shall pay an additional system development charge as more particularly provided in Section 6.9.2. The charge shall be due and payable to the District in full at the time application for a sewer tap permit is made for either a new or altered connection. The amount of the Tap Fee shall be based upon estimated flows from the Permitted Premises expressed in single family equivalents (SFE), except that the minimum charge shall be for not less than one SFE. The criteria for determining the number of SFE's for each nonresidential connection shall be the same as the criteria used by Metro, as such criteria may be changed by Metro from time to time.

Nothing herein contained shall be prevent the District from imposing at Tap Fee with respect to each Permitted Premises requiring water service, which fee shall be in addition to any system development charge imposed by Denver Water.

Section 3.7 Inspection Fees. Inspections of wastewater facilities are performed by the District. The Customer may be required to pay for the initial inspection depending upon the type of facility being inspected. There will be an inspection fee imposed each time a re-inspection is required due to the failure of the inspected facility to pass inspection or if re-inspection is required because the Customer failed to have the facilities ready for the initial inspection.

Section 3.8 Plan Review Fees. Plan review fees shall be paid in full at the time plans and specifications are submitted for approval. Plan review fees shall be as set forth in the District's Schedule of Fees and Charges. Plan review fees shall be in addition to permit fees. Plans which require more than two revisions will be assessed an additional fee, based upon the additional time spent by the District or District Engineer in reviewing said plans and specifications.

Section 3.9 Special Situations. Whenever any service is provided by the District for which a charge is not established by the Schedule of Charges the District's Board may, if it determines it appropriate, estimate the actual amount of time the District will spend providing such service, including reasonable administration costs. The Board may then condition provision of the service upon receipt of a deposit for one hundred percent (100%) of the estimated actual cost the District will incur in providing the service. In the event the actual cost is less than the deposit, the balance shall be refunded to the person paying the deposit upon completion of the service.

Section 3.10 Wastewater Service Charge. The District shall cause billing for wastewater service to be rendered quarterly or at other convenient intervals, at rates established by the Board from time to time. Billing for wastewater service shall be effective upon mailing said billing to the last known address of the user or Owner as shown on the District's records. Wastewater service charges shall be paid in full by the due date stated in the bill, which date shall be approximately thirty (30) days from the date the bill is mailed.

Section 3.11 Late Fee. Fees and charges levied in accordance with these regulations shall be deemed delinquent if not paid on or before the due date stated in the bill. Pursuant to Section 32-1-1006(1)(d), C.R.S., the District shall assess a late fee or delinquency charge for any sewer or other charge that becomes delinquent as follows:

3.11.1 A late fee of \$15.00 shall be assessed for each sewer bill that becomes delinquent; provided, however, that no such late fee shall be assessed for any delinquent account that is paid in full within five (5) days after the due date.

3.11.2 In addition to the late fee provided for herein, all delinquent accounts shall be charged one hundred percent (100%) of the cost of collection incurred by the District, including but not limited to, county treasurers fees, court costs, attorney's fees, together with any and all costs incurred by the District.

Section 3.12 Suspension of Service. The District may suspend or discontinue water and/or wastewater service for nonpayment of any water or wastewater service charge, or any other charge imposed by the District, or for the violation of any rule or regulation of the District. The District may disconnect water service and/or wastewater service ("suspension") for any Permitted Premises served by the District where the water and/or wastewater bill or other charge is delinquent for 90 days or more. When the District believes reasonable cause for suspension exists, a written notice of such findings shall be sent to the last known address of the Customer and/or Owner, thirty (30) days prior to disconnection, requesting that

payment be made prior to the effective date of the proposed suspension as set forth in the notice. Further, the notice shall advise the Owner and/or Customer of the right to a Hearing to determine whether reasonable cause exists for suspension, whether the suspension should be taken and whether there are extenuating circumstances (the "Hearing"). Notice of the Hearing shall be sent via U.S. Mail certified return receipt requested, or by hand delivery to the occupant, Owner or agent for the Owner. In the event that payment is not received as demanded in the notice and no Hearing is requested in writing within the time specified in the notice, the District may suspend either water or sewer service to the premises upon expiration of the period.

Section 3.13 Hearing. The Hearing shall be scheduled within thirty (30) days of the written request at a location selected by the District and Hearing shall be conducted by either the District's Manager or the District's Board of Directors. The Owner and/or Customer may appear in person and may be represented by a person of his choice, may present evidence and argument, and may question any person, testimony or statement. If as a result of the Hearing it is determined that reasonable cause exists for suspension, the District may suspend service to the premises. All costs of disconnection, reconnection and reasonable attorney's fees of the District relative to this subject matter shall be paid by the Owner prior to or at the time of reconnection. Upon payment of all fees, costs and charges the District shall provide for reconnection to the facilities of the District.

Section 3.14 Certification to County. When any wastewater service account remains unpaid and delinquent for a period of six (6) months and the amount owed to the District exceeds \$150.00, the District shall, in addition to all other remedies, be entitled pursuant to Section 32-1-1101(e), C.R.S., to send written notice via certified mail with return receipt requested or by hand delivery to the Property Owner. The notice shall specify the District's intent to certify the delinquent amount to the County Treasurer for collection with the real property taxes. Following the Hearing, the Board by Resolution may certify the delinquent fees, rates, tolls, charges, and penalties, if any, for assessments to the County Treasurer for collection with the taxes. The District shall certify to the County Treasurer the amounts to be collection in the same manner as property taxes pursuant to Section 39-10-107, C.R.S. Any certified amounts shall be a lien upon the real property served by the District and shall be levied, certified, received and collected by sale annually, from year to year by the proper County officials as general property taxes, and the proceeds therefrom will be remitted to the District.

Section 3.15 Withholding, Approvals and Permits. Notwithstanding any other provision contained in these Rules and Regulations to the contrary, the District may withhold permits, approvals or other authorizations from any person until all sums then due to the District from such person are paid in full.

Section 3.16 Rights and Remedies Reserved. Nothing contained in this Article III shall be construed as a limitation or as an alternative to any right or remedy of the District regarding collections, termination of service or other enforcement rights and remedies set forth in Article VII.

Section 3.17 Metro Connection Charge. Metro has established sewer connection charges for the purpose of assessing a portion of the capital cost of wastewater collection and treatment facilities to those Customers that utilize said facilities. For each new or altered sewer connection to the District's Wastewater Collection System a Metro sewer connection charge will be collected in addition to the District's sewer connection fee. The amount of Metro's sewer connection charge shall be based upon the number of SFE's attributable to each connection and the sewer connection charge shall be as set forth from time to time by Metro. Metro's sewer connection charge is separate and apart from the connection fee that is charged by this District for a permit to connect to its system.

Section 3.18 Standard Application Form. Each applicant for a permit to make a new connection or an altered connection to this District's Wastewater Collection System will do so on a form provided by the District. The District shall receive and retain all completed standard application forms and file such forms in a systematic manner for review by Metro.

Section 3.19 Return Check Fee. Any check or other negotiable instrument tender to the District for payment of rates, fees, tolls, charges, or penalties which is returned to the District and dishonored for any reason whatsoever shall be subject to a return check fee.

Section 3.20 Security Deposit. The District may require a deposit by a Customer if deemed necessary by reason of estimated future wastewater bills or if there is experience of delinquency in the payment of rates, fees, tolls or charges. Such amount shall not be less than the estimated cost of wastewater service for a two (2) month period or such other amount as determined by the Manager, subject to appeal pursuant to Article VII. Deposits may be returned after one (1) year at the request of the Customer, providing that all bills rendered during the preceding twelve (12) month period have been paid within thirty (30) days of presentation. Otherwise, the deposit will be returned on termination of service and payment of the final wastewater service bill.

#### **ARTICLE IV. SEWER SERVICE LINES**

Section 4.1 Required Permits and Fees. No service line shall be constructed within the District or connected to the District's wastewater system until an appropriate tap permit has been issued by the District as more particularly provided in Article VI

and all system development charges and other fees, if any, have been paid in full to the District.

Section 4.2 Separate Lines Required. A separate service line shall be required for each building, including each unit of a duplex, each unit in a townhouse building, and each unit in any commercial building. Any commercial building not divided into units shall have a separate service line and a connection for each building. Notwithstanding the foregoing:

4.2.1 Where a parcel of land has more than one separate building thereon, and is under one ownership, application may be made to the Board of Directors to allow the buildings to be connected through a single sewer service line. The Board will determine initially whether such service will be permitted and upon what conditions. The Board at its option may require an agreement with the Property Owner setting forth such conditions. Such agreement shall be recorded in the records of the County Clerk and Recorder's office.

4.2.2 Where a parcel of land has one or more separate multi-unit buildings thereon, application may be made to the Board for service to each multi-unit building through a single sewer service line. The Board will determine initially whether such service will be permitted and upon what conditions. The Board at its option may require an agreement with the Property Owner setting forth such conditions. Such agreement shall be recorded in the records of the Clerk and Recorder's office.

Section 4.3 Service Line Design. The Property Owner is responsible for determining the size and location of the service line, subject to District approval. In determining the size and location of the service line, the Customer shall comply with the requirements of the District for the installation, connection, inspection and disconnection of service lines, even though the service lines belong entirely to the owner of the connected property. Sewer service lines and other sewer facilities located on a Customer's property shall be designed in accordance with all applicable District standards and specifications. When the District has reviewed and approved plans for sewer service lines and other sewer facilities located on a Customer's property, such facilities shall be installed and constructed in accordance with the plans as approved by the District.

Section 4.4 Service Line Maintenance. The Property Owner shall be responsible for maintaining, repairing, and replacing the entire length of the service line, up to and including the upstream end of the wye or saddle fitting on the District's main. The Property Owner shall ensure that no root infiltration, storm runoff or ground water enters the District's system through the service line. The District may repair or otherwise cure any such condition, such work to include root sawing from a

District main, and charge the Property Owner the cost thereof as provided in Section 4.8 below, but nothing in this Section shall obligate the District to effect any repairs or curative work on a Property Owner's service line.

Section 4.5 Service Line Relocation. When proper management, operation or maintenance of the District's sewer system requires, the District may, at District expense, relocate the service line through which a Property Owner receives wastewater service. All relocated service lines shall become the property and responsibility of the Property Owner upon installation or relocation.

Section 4.6 Installation. After issuance by the District of a permit for connection of a service line to the District's public sewer system, the applicant shall, at his/her own expense, engage the service of a drainlayer licensed by the District to construct the service line in accordance with these Rules and Regulations. A representative of the District shall inspect the completed service line installation before the sewer trench is backfilled, to assure such compliance with these Rules and Regulations as may be required for the protection of the District's public sewer facilities.

Section 4.7 Responsibility for Installation. Service line installation procedures and techniques shall be the responsibility of the licensed drain layer and shall conform to American Society for Testing and Materials (ASTM) or American Water Works Association (AWWA) standards and specification applicable to the particular pipe and joint materials in use. The drain layer's procedures and operations shall also conform to all requirements of any entity exercising jurisdiction over occupational safety and health. The drainlayer shall be solely and completely responsible for conditions at the site of the tap and service line work, including facilities of all persons and property during the performance of the work. This requirement shall comply continuously and shall not be limited to normal working hours. It is the contractor's responsibility to see that all facility conditions conform to all applicable federal, state, county and local laws, ordinances and codes. Where any of these are in conflict, the more stringent requirement shall be followed. The right of the District to conduct inspection of the service line and the tap is not intended to include the review of the contractor's safety measures in, on or near the site of the service line installation.

Section 4.8 Root or Other Intrusions. Whenever in the course of its routine preventative maintenance, or otherwise, the District becomes aware of the intrusion of tree roots from a service line or through the service connection or of any other condition which threatens an obstruction or blockage of the District's sewer system, the Property Owner shall, upon written notice from the District, promptly arrange for the correction of the infiltration problem or the clearing and removal of such tree roots or other obstruction or the correction of any condition which threatens the obstruction or blockage of the public sewer.



In clearing the service line of tree roots or other obstructions, the Property Owner and his contractor shall take all appropriate precautions to prevent severed tree roots or other materials dislodged from the sewer service line from entering into or remaining in the public sewer so as to present a potential for blockage or significant obstruction of the public sewer.

Except when emergency conditions preclude prior notice, a Property Owner shall give the District advanced notice of the date, time and place of any sewer service line cleaning, saw cutting, roto-rooting, or other service line maintenance activity which may result in tree roots or other materials being discharged into the District's main line so as to afford the District the opportunity to observe such activity and ensure compliance with these Rules and Regulations.

If as a result of a Property Owner's failure or refusal to comply with the requirements of this Section the District incurs any costs for correcting an infiltration problem or for the clearing, inspection or cleaning of obstructions from its main line or suffers damages resulting from a blockage of its main line, that Property Owner shall reimburse the District in full for all such costs and damages upon demand. The failure to make such reimbursement shall be grounds for termination of service under these Rules and Regulations.

Section 4.9 Miscellaneous Drains. Roof drains, footing drains, storm drains, sump pumps, and similar connections designated to accommodate storm or subsurface waters shall not be made to any service line or to the public sewer system.

Section 4.10 Swimming Pools. No public or private swimming pool shall be connected with the District public sewer system without a special permit therefore from the District, which permit shall define and specify the hours during which waters may be discharged from such pools into the public sewer system and the size of the outlet, traps and other facilities and prescribe the fees and charges therefore, if any.

Section 4.11 Wash Racks. No drain excepting discharge from any garage or commercial wash rack for vehicles shall be connected to any service line, or otherwise discharged into the District's system, without specific written approval from the Board. Any application to connect such a facility shall include plans for an approved oil and sand interceptor in a storage tank as specified in Article IX.

Section 4.12 Unauthorized Connections. Any connection made to a public sewer line without first obtaining: a) permit, b) drain layers license, and c) the approval and consent of the District engineer or his designee shall be disconnected by the District at the cost of the person making such unauthorized connection. If any person violates the Rules and Regulations of the District governing the installation, connection, and repair of service lines, such connections to the public

sewer line shall be disconnected by the District engineer or its designee at the cost of the person making such unauthorized connection. Such cost of disconnection, until paid, shall constitute a lien against the property upon which such unauthorized connection was attempted to be made. In the event that the unauthorized connection was made by a licensed drain layer, he/she may be subject to the revocation of his/her drain layer's license.

Section 4.13 Unauthorized Disconnections. Any disconnections from a public sewer service line without first obtaining: a) permit, b) drain layers license, and c) the approval and consent of the District engineer or his designee, or any violation of these Rules or Regulation by any person, shall permit the District or its designee to make a proper disconnection. All costs of disconnection until paid shall constitute a lien against the property upon which such unauthorized disconnection was attempted to be made. In the event that the unauthorized disconnection was made by a licensed drain layer, he/she may be subject to revocation of his/her drain layer's license.

Section 4.14 As-Built Plans. Prior to finally approving the installation of a service line and completing the tap to the District's public main, the owner is required to supply the District with an as-built plan or drawing within one week after the tap has been completed showing the location of the tap and the service line to the extent it is located within a dedicated public right-of-way.

## **ARTICLE V. INCLUSIONS AND EXCLUSIONS**

Section 5.1 Partial Inclusion Not Generally Permitted. Any Person owning land within or without the exterior boundaries of the District, who desires service, must include all of his land contiguous to the parcel upon which service is desired, unless the District permits otherwise. No Person receiving service within the District may enlarge or extend any portion of the facility receiving service (including buildings, parking, and landscaped areas, etc.) into an area outside the boundaries of the District.

Section 5.2 Required Submittals. Any Person who desires to include his property within the District's boundaries shall submit the following to the District:

5.2.1 Petition. A petition using the form of petition furnished by the District and must provide all information required thereby. Petitioner must sign the written petition exactly as his name appears on the instrument by which he took title to the property. The signatures of all persons must be acknowledged in the same manner as provided by Colorado Law for acknowledgments on instruments conveying real property.

- 5.2.2 Survey Drawing. A survey drawing showing the property's exact location, its location in relation to the boundaries of the District, and bear the signature and seal of a professional engineer or land surveyor registered in the State of Colorado. Copies of subdivision plats may fulfill this requirement at the discretion of the District's engineer upon review of such plats.
- 5.2.3 Vicinity Map. A vicinity map showing the general location and the boundaries of the property in relation to exterior streets or other prominent terrain features.
- 5.2.4 Evidence of Title and Authorization of Signatures. Evidence of Title sufficient to assure that the petitioner has fee title to the property must be provided to the District. If a corporation, partnership or joint venture owns the property, the petitioner shall furnish such additional information (i.e. Partnership Agreement, Joint Venture Affidavit as provided by Section 38-30-166, C.R.S., etc.) as may be requested by the District in order to determine that the signatories have been authorized by that entity to execute such documents.
- 5.2.5 Narrative Description. A written statement setting forth the total acreage of the property to be included, the existing zoning, the proposed zoning, the proposed use, the construction schedule, and service requirements including water and sanitary sewer tap sizes.
- 5.2.6 Cost Deposit. A deposit to defray the District's cost of reviewing and processing the petition as determined by the Board, but in no event less than \$1,000.

Section 5.3 Procedure. Following District approval of the submittals required in Section 5.2 above, inclusion proceedings shall be conducted as follows:

- 5.3.1 Feasibility Study. The District shall perform a feasibility study in order to determine whether and under what conditions the property proposed for inclusion can be served by the District.
- 5.3.2 Notice of Public Hearing. At the first regular meeting of the Board following approval of the submittals the Board shall set the date of the public hearing on the inclusion and order notice thereof to be provided according to law. Nothing contained in these Rules and Regulations shall require the Board to approve any submittals, the inclusion of property shall be entirely discretionary with the District's Board of Directors.

5.3.3 Public Hearing. The public hearing and the Board decision made pursuant thereto shall be held in accordance with applicable state law.

5.3.4 Conditions. If the Board resolution of inclusion contains conditions which must be met before it is to become effective, the District's legal counsel will ensure that all such conditions have been met before filing the resolution of inclusion with the Court and applying for a Court Order of Inclusion.

Section 5.4 Conditions of Inclusion. The included property and its owners are subject to the following conditions, together with any and all additional conditions and requirements as may be imposed by the Board:

5.4.1 Rules and Regulations. With respect to all matters affecting or in any way touching upon the allocation or provision of service to the property, the property and its owner shall be bound by and subject to these Rules and Regulations, the Rules and Regulations of the Denver Water Board and to the technical standards and specifications of the District and the Denver Water Board as the same now or hereafter may be amended.

5.4.2 Easements and Rights-of-Way. The property owner shall, at no cost to the District, grant and convey to the District any and all easements and rights-of-way within the included property required by the District to serve such property. In addition, the property owner shall be responsible for and pay all costs and expenses of whatever kind associated with the acquisition and approval of easements and rights-of-way required by the District and/or Denver Water to serve such property, whether such easements and rights-of-way are located within or without the included property. These expenses may include those associated with condemnation, but this shall not be construed as imposing any obligation upon the District whatsoever to commence or prosecute any condemnation action.

5.4.3 Mains. The property owner shall, at his sole cost and expense, design, construct and install all mains and other facilities required by the District or Denver Water to serve the property. All such mains shall be constructed according to these Rules and Regulations and the District's standards and specification and the Rules and Regulations of Denver Water and the Denver Water Board's standards and specifications and such design, construction and installation shall be subject to inspection and approval by Denver Water and/or the District as the case may be.

5.4.4 Service Not Guaranteed. The allocation of taps and the provision of water and wastewater service to the included property shall be governed at all times by these Rules and Regulations and the Rules and Regulations of

Denver Water. The process of including property within the District does not guarantee service to the included property. The District may be limited in the number of new taps that may be made to its systems because of the allocation policy of Metro and/or Denver Water and the provision of service to the included property may be further limited or delayed indefinitely because of the allocation or capacity limitation of existing facilities. Accordingly, by including his property within the District, the property owner shall be deemed to waive any right, claim or cause of action of any kind which it may assert against the District based upon the inability of the District to provide service to the included property.

5.4.5 Inclusion Agreement. In the Board's discretion and upon Board approval of the inclusion, the property owner and the District shall enter into an inclusion agreement setting forth substantially the terms and conditions contained in this Article V, together with any other additional provisions determined by the District relating to the particular circumstances of serving the property.

Section 5.5 Exclusion of Property from the District. Notwithstanding any other provision contained in these Rules and Regulations to the contrary, all Petitions for Exclusion shall be considered and processed in accordance with Part 5, Article 1, Title 32 of the Colorado Revised Statutes.

Section 5.6 Required Exclusion Submittals. Any Person who desires to include his property from the District's boundaries shall submit the following to the Board of Directors:

5.6.1 Petition. A petition using the form of petition furnished by the District containing all information required thereby. Only complete petitions will be submitted by the Board. The Petitioner must sign the written petition exactly as his name appears on the instrument by which he took title to the property. The signatures of all persons must be acknowledged in the same manner as provided by Colorado Law for acknowledgments on instruments conveying real property.

5.6.2 Fee. A fee in an amount set by the Board shall be paid, and a check for said amount shall be remitted with any Petition for Exclusion as a deposit to be credited to the cost of exclusion proceedings which are required to be paid by the petitioner to the District.

5.6.3 Criteria. The Board shall consider and make findings regarding each of the following factors when determining whether to grant or deny a Petition for Exclusion.

- a) The best interest of all of the following:
  - i. The property to be excluded,
  - ii. The District, and
  - iii. The County;
- b) The relative cost and benefit to the property to be excluded from the District's boundaries;
- c) The ability of the District to provide economical and sufficient service to both the property to be excluded and all other properties within the District's boundaries;
- d) Whether the District is able to provide services at a reasonable cost compared with the cost that would be imposed by other entities in the surrounding area to provide similar services;
- e) The effective of denying the Petition for Exclusion on employment and other economic conditions in the District and surrounding areas;
- f) The economic impact on the region and District, surrounding area, and state as a whole if the Petition is denied or the resolution is finally adopted;
- g) Whether an economically feasible alternative service is available; and
- h) The additional cost to be levied on other property within the District if the exclusion is approved.
- i) Whether exclusion of the Property is in the best interest of the District.

5.6.4 Liability for Existing Debt. Property excluded from the District shall remain obligated to pay any charge or lien or obligation of any bonds existing at time of the filing of the Petition. No Petition shall be considered unless all unpaid charges, tax, and liens are paid by the petitioner at the time of filing the Petition.

5.6.5 Cost of Proceeding. For any Exclusion granted by the District, the fee owner of the excluded property shall be responsible for the payment of all exclusion charges as determined by the Board, including the exclusion fee in effect the time the Petition is file.

5.6.6 Satisfaction of Conditions. The Board may withhold entry of any final order granting the Petition for Exclusion until the Petitioner has fully

satisfied any condition or conditions imposed by the Board, including payment of all fees and expenses, or has entered into an agreement which details the terms and conditions of exclusion.

Section 5.7 Service to Exclusion Properties within District Boundary. No water or sewer service shall be provided to property which is excluded from the District until such time as the owner of such property petitions for inclusion into the District, and that petition has been approved by the Board.

Section 5.8 Service Outside District Boundaries. No water or sewer service shall be provided to property outside the boundaries of the District, except upon express written consent of the Board. Charges for furnishing service outside of the District shall be at the discretion of the Board. The charge for such service shall be set by the Board. In every case where the District furnishes services to property outside the boundaries of the District, the District reserves the right to discontinue the service when, in the judgment of the Board, it is in the best interest of the District to do so.

## **ARTICLE VI. SERVICE APPLICATIONS AND PERMITS**

Section 6.1 Permit Required/Applications. Except as hereinafter provided, water and wastewater service will be furnished only to property that is located within the District's territorial boundaries. No person shall cause or permit any connection to any District facility without first obtaining a District tap permit as provided in this Article VI and also obtaining a Metro permit in the case of any connection to the Sewer Collection System and a Denver Water permit in the case of any connection to the Water Distribution System. Any person who desires to obtain new service to property within the District shall make written application therefore at the office of the District currently located at Special District Management Services, Inc., c/o Holly Hills Water and Sanitation District, 141 Union Boulevard, Suite 150, Lakewood, CO 80228 upon such forms as may be prescribed and furnished by the District. In the case of Sewer Collection System connections, such person shall also furnish such additional information about the premises as may be required by the District to calculate the estimated demand of such premises upon the District's Sewer Collection System.

Section 6.2 Approval Standards/Revocation. Upon determination that all the following conditions exist or have been met with respect to an application for service, the District shall issue its tap permit for the service requested:

6.2.1 The written application and information submitted therewith is accurate, complete and proper as to form.

- 6.2.2 The person making the application is either the Property Owner or has been granted authority to do so from the Property Owner.
- 6.2.3 All applicable fees and charges imposed by or through the District are paid at the time of application.
- 6.2.4 The property proposed for service is within the legal boundaries of the District and such property in the case of a sewer tap is eligible for service under the District' Connector's Agreement with Metro and, in the case of a water tap, is eligible for service under the District's Distributors Contract with Denver Water.
- 6.2.5 The sewer main on which a tap will be made has been accepted by the District and all conditions necessary under Article VII for conditional acceptance of District facilities used or useful to serve the tap have been satisfied at the time the application for service is made. Prior acceptance of such facilities by the District does not conclusively establish that this requirement is met. In the case of a water tap, the water main on which the tap will be made must have been accepted by Denver Water and all conditions imposed by Denver Water for water service must have been satisfied.
- 6.2.6 The District's downstream Sewer Collection System and/or water distribution system, as the case may be, are adequate and taps are available from both Metro and Denver Water.

Section 6.3 Conforming with District Standards. Notwithstanding any other provision of these Rules and Regulations to the contrary, the District may terminate or withhold tap permits or approvals for service from any facilities, public or private, which do not conform to the District, Denver Water or Metro rules, regulations, standards, and specifications.

Section 6.4 Revocation. The District may revoke any tap permit before or after the tap is activated, upon determination that the application therefore contained false or inaccurate information and, but for such misinformation, the application would have been denied when made.

Section 6.5 Expiration. Obtaining a tap permit from the District does not obligate the Property Owner to activate the tap, but such permit shall expire and be of no further force and effect if the tap is not made within 365 days from the date the tap permit is issued. The District will not refund any portion of a paid tap fee, but the amount of the tap fee so paid will be applied toward applicable fees as and when the property owner reapplies for the tap, under the then current schedule of tap fees.



Section 6.6 Non-Transferability of Tap Permits. Each tap permit applies only to the Licensed Premises identified therein and is not deemed in any sense to be personal property. A tap permit shall be deemed to follow any transfer or sale of fee ownership of the Licensed Premises. No tap permit may be transferred from one premises to another without the approval of the District, Denver Water and Metro, as applicable.

Section 6.7 Multiple Taps Prohibited. Not more than one separately described parcel of land shall be served by any single tap, but this provision shall not be construed to require owners of separate condominium units within any one building or group of buildings in the same condominium development to obtain their own separate tap Permits if the tap for the entire building or project is of adequate size and is in the name of the owners association. In the event of a subdivision, sale or transfer of any part or parts of any separately described parcel of land served by a single tap, the owner of that part of the Licensed Premises closest to the tap, following the route taken by the service line, shall be entitled to keep the original tap and the owner of each other part shall be required at his or her sole cost and expense to obtain a new and separate tap for his part of the property under this Article VI. If there are improvements upon his or her part of the property which were served by the tap at the time of subdivision sale or transfer, he or she shall do so within thirty (30) days of the date of such subdivision sale or transfer. Any violation of this Section shall be deemed an unauthorized tap or connection to the District's water or Wastewater Collection Systems as the case may be.

Section 6.8 Installation Standards. The Property Owner shall make the tap at his or her sole cost and expense and subject to the following:

6.8.1 Inspection. No tap shall be activated until the District has received confirmation that Metro has issued a tap permit for the Licensed Premises in the case of a sewer connection, and Denver Water has issued a tap permit for the Licensed Premises in the case of a water connection, and the District has issued its tap permit, and the physical connection has been inspected and approved by the District and/or Denver Water, when applicable. The Property Owner or its authorized representative shall notify the District not less than two (2) business days before making a tap, at which time the parties shall schedule a time for the District's inspection thereof.

6.8.2 Record Drawing. The Property Owner shall supply the District with a record drawing conforming to the District's standards within two weeks after the tap has been activated, showing the location of the tap and the service line.

6.8.3 Cure of Defects. The Property Owner shall, at its sole cost, correct, repair, or replace any part or parts of any work performed during installation of a

tap which the District reasonably determines were not constructed in conformity with these Rules and Regulations, approved plans, construction notes or specifications or which the District determines to be defective, of poor or un-workmanlike quality. The cure of defects by the Property Owner shall be administered and enforced under the rules set forth in Article VII of these Rules and Regulations.

Section 6.9 Tap Size/Demand Changes.

- 6.9.1 Sizing. The size of the tap shall be determined by the Property Owner subject to the approval of the District and Metro and Denver Water, where applicable.
- 6.9.2 Demand Changes. Before the effective date of any change in the use of any Licensed Premises, which increases the demand, flow, volume or rate of flows from said premises by more than one Single Family Residential Equivalent, calculated in accordance with the District's engineering standards and specifications, the Owner of such Licensed Premises shall notify the District as provided in Section 3.6. Any increase in the tap fee for the Licensed Premises shall be determined in accordance with Section 3.6.

Section 6.10 Voluntary Disconnection. Any Property Owner desiring to have service disconnected shall notify the District and/or Denver Water, where applicable, a minimum of two business days in advance of the date of disconnection. The Property Owner shall, at his or her sole cost and expense, uncover the service line at a location determined by the District. Disconnection of a wastewater service line shall require issuance of a disconnection permit from the District prior to any disconnection being effectuated. That portion of the sewer service line that is capable of discharging ground water or other material/liquids into the District's sewer main will be capped and sealed. All disconnected water service lines shall also be capped and sealed. All caps and seals shall be done in accordance with the District's rules, regulations, standards and specifications and those of Denver Water, where applicable. Disconnection of service shall not be deemed completed until the District has inspected and approved the disconnection in the case of a sewer service line, and the District and/or Denver Water has inspected and approved the disconnection in the case of a water service line. From and after the effective date of disconnection, the District shall not assess any service charge for the property so disconnected, but this shall not relieve the Property Owner from liability for tax levies, if any, assessed by the District upon the property. No refund shall be made of any previously paid tap fee. Any reinstatement of the service disconnected pursuant to this Section shall be treated as an application for a new service, except that credit shall be allowed for any tap fee previously paid for service at the premises.

Section 6.11 Tap Allocations. Taps currently are not, but may in the future be allocated to the District by Metro and/or Denver Water, and such allocations are subject to the provisions of the District's then sewer Connector's Agreement with Metro and its then Distributor's Contract with Denver Water. Subject to the foregoing and to any other applicable provisions of said agreements, the District's allocation of taps from Metro and/or Denver Water shall be allocated and sold within the District on a first come first serve basis.

Section 6.12 Swimming Pool Permit.

- 6.12.1 Permit Required. Any Property Owner who desires to use the Sewer Collection System to carry swimming pool discharge as defined in Section 2.55 above shall make written application for a swimming pool permit at the office of the District upon such forms as may be prescribed and furnished by the District. Only one permit shall be issued per pool, but a tap fee shall be due and payable to the District and to Metro.
- 6.12.2 General Conditions. The District may impose such reasonable restrictions as to frequency, times, volume and rate of such discharge as may be appropriate to reduce the risk of surcharge or other potential problems in the District's system which may result from the entry of swimming pool discharge into the District's system.
- 6.12.3 Mechanical Controls. The District may further require the Property Owner at its sole cost and expense and subject to the provisions of this Article VI to install such equipment as the District may prescribe to ensure that the general conditions of the permit are observed. If required, such equipment shall be subject to the exclusive control of the District and shall not be modified, altered, removed or bypassed without the express written consent of the District.
- 6.12.4 Revocation. The restrictions and requirements of this Article VI shall be conditions of any swimming pool permit and a breach or violation of any of these conditions or any other conditions set forth in the permit shall constitute cause for revocation. The District shall afford the Property Owner notice and an opportunity to be heard before revoking any swimming pool permit. Upon revocation of any such permit the Property Owner shall immediately cause the swimming pool facilities to be physically severed and disconnected from any sewer facilities, public or private which permit swimming pool discharge therefrom to enter the District's system. Such disconnection shall be in accordance with the District's rules and regulations and shall be at a location determined by the District. That portion of any service line that is capable of discharging ground water or other materials into the District's sewer main will be

capped and sealed. Failure to comply the requirements of this Section 6.12.4 shall constitute cause for suspension or termination of all sewer service to the premises in accordance with Article XII.

Section 6.13 Extra Territorial Service. Nothing in these rules and regulation shall limit the District's ability to provide services outside its legal boundaries under such terms and conditions as the Board may determine. Any such service shall be rendered only by written contract approved by the Board. No such contract, however, or the services rendered pursuant thereto shall be construed to impose upon the District any obligation to provide other services outside of its legal boundaries, nor shall the existence of such contract or the services rendered in connection therewith constitute an offer by the District to service outside its boundaries generally. All such written service contracts shall be in conformity with, and subject to all of the terms and conditions of extra territorial service as set forth in the District's connector's agreement with Metro and any other applicable agreement.

## **ARTICLE VII. ENFORCEMENT AND ADMINISTRATION**

Section 7.1 District's Agents and Representatives. The District Manager, engineer or any other designee of the District designated by the Board or the Manager, including the District's grease trap inspector, shall have full authority to act for and on behalf of the District in any matter affecting the administration or enforcement of these Rules and Regulations.

Section 7.2 Concurrent Jurisdiction of Denver Water and Metro. Pursuant to Section 1.4 above, all provisions of Denver Water's Operating Rules and Engineering Standards and all provisions of Metro's Rules and Regulations are fully effective within the area of the District. Every person who undertakes any work on District facilities, or who uses or seeks to use such facilities, shall comply with the same. District personnel are hereby authorized and empowered to enforce any and all such provisions, and any lawful order or direction of Denver Water and/or Metro within the area of the District with the same force and effect as if such provision or order were set forth verbatim in these Rules and Regulations or issued by the District. Likewise, duly authorized personnel of Denver Water and Metro are hereby authorized and empowered to enforce such provisions or orders within the area of the District with the same force and effect as within the City and County of Denver. Nothing contained in this Section 7.2 shall be construed to waive or release Denver Water or Metro from any obligation or duty it may have to and in favor of the District.

Section 7.3 Right of Entry for Inspections. Duly authorized representatives of the District, Denver Water or Metro, as the case may be, bearing proper credentials and identification, shall be permitted to enter upon all property at reasonable times

for the purpose of inspecting, observing, measuring, sampling and testing in connection with the enforcement and administration of these Rules and Regulations. [§ 18-8-106, C.R.S.]

Section 7.4 Suspension or Termination of Service. In addition to, and without waiving any other available remedy, the District shall have and may exercise the right to suspend or terminate water service, sewer service, or both to any property where, or as to which, a violation of these Rules and Regulations or any permit, approved plans, or applicable contract, or any other standard imposed by the District, Denver Water, or Metro occurs or continues in accordance with the following:

7.4.1 Immediate Suspension/Termination. The District may immediately terminate service upon revocation of any license or permit, or suspend service when such suspension is necessary in order to stop or prevent any use or escape of water from the District's system which presents, or may present, a risk of substantial loss of water or an immediate and substantial endangerment to the property, health or welfare of any person.

7.4.2 Notice and Opportunity for Hearing.

- a) When it appears that any fee or charge imposed under these Rules and Regulations is delinquent, or that any other cause for suspension or termination of service exists, the District may mail by certified mail or deliver to the owner of the property where or as to which the alleged delinquency/deficiency occurs, at the service address, or a known current mailing address for the Property Owner of the affected property, a notice advising him or her of the following:
  - i. The alleged delinquency/deficiency;
  - ii. That water and/or sanitary sewer service, or both, to the property will be suspended or terminated on account of such delinquency/deficiency on a date not less than thirty (30) days from the date of the notice, unless the stated delinquency/deficiency is sooner cured;
  - iii. That he or she has a right to a hearing at which he or she may be heard concerning the alleged delinquency/deficiency; and
  - iv. That he or she may request the hearing, in writing, before the suspension or termination date specified in the notice if he or she desires the hearing to be held.

- b) If the Property Owner does not cure the stated delinquency/deficiency or request a hearing within the time provided, the District shall forthwith order service to be suspended or terminated, as appropriate.
- c) If the Property Owner makes a timely written request for a hearing, the District shall promptly schedule and hold such hearing, at which the Property Owner may be represented by counsel at his or her expense, to be held before a hearing officer appointed by the Board. The hearing officer shall state the reason supporting his decision. Suspension or termination of service shall be stayed until the hearing officer holds the hearing and renders his or her decision.
- d) Upon an adequate showing of mitigating circumstances by the Property Owner, the hearing officer may extend the stay for up to ten (10) days following the date of his or her decision. If the delinquency/deficiency is not cured as required within such period, the District shall forthwith order service suspended or terminated, as appropriate.

7.4.3 Execution of Order. Any person notified of suspension or termination of service shall immediately stop or eliminate the taking of any and all water from the District's water system and the discharge of wastewater into the District's Wastewater Collection System at the property affected by such order. The District may take such steps as deemed necessary, including a physical interruption or disconnection of service, in order to support the suspension or termination order.

7.4.4 Grounds for Termination. Service shall be terminated and not merely suspended if:

- a) The license therefore is revoked; or
- b) The connection providing such service was not authorized when made; or
- c) The service was suspended at least two (2) times within the preceding five (5) years as a consequence of the acts or omissions of the same Property Owner.

Any service terminated within this Section 7.4.4 may not be reinstated. The Property Owner of any service which has been so terminated may apply for new service for such property as provided in Article VI.

Section 7.5 Reinstatement of Suspended Service. Any suspension order shall be rescinded by the District Manager upon a determination that the delinquency/deficiency forming the basis for such suspension order has been cured

and that no further or other non-conforming conditions or uses of the District's system are evident on the property affected by the suspension order. The District shall not reinstate service until the person requesting reinstatement has paid the full amount of any applicable disconnection charge, and the District Manager's reasonable estimate of any applicable reconnection charge imposed under these Rules and Regulations, and any and all other amounts then due to the District from such person.

Section 7.6 Cure of Violations.

7.6.1 Order to Cure. If the District determines that any water or wastewater facilities are not in conformity with these Rules and Regulations, or that the terms of any right-of-way, easement or other agreement between the District and a Property Owner are being violated, it may give written notice thereof to the Property Owner at the service address, or any other address for such person known to the District. Such notice shall specify the non-conformity, direct the Property Owner at his cost to perform specified curative action, and specify the period of time determined by the District to be reasonably necessary for completion of the curative work.

7.6.2 District Cure at Owner's Cost. If the Property Owner fails within the specified time following such notice to cure the non-conformity stated therein, the District may, in addition to and without waiving any other remedy, perform the work and charge the Property Owner for its actual costs incurred in connection therewith, calculated in accordance with the rates set forth in these Rules and Regulations. Those provisions of Article III applicable to invoicing and collection of fees and charges shall apply to any charges assessed to the Property Owner under this Section.

7.6.3 Appeals. Any orders, directions or decisions of the District relating to the administration or enforcement of these Rules and Regulations may be appealed, in writing, to the Board of Directors, within ten (10) days of the effective date of the Order, directive or decision.

Section 7.7 Penalty Charges. For purposes of defraying the District's costs and expenses incurred in discovering, investigating, curing and repairing the consequences of violations of applicable requirements, and in order additionally to deter persons from committing such violations, there is hereby imposed upon any person who the District finds and determines causes, or attempts to cause, or who permits, solicits, aids or abets any other person to cause, or attempt to cause, by act or omission, any of the violations set forth below the penalty charge set forth for such violation. For purposes of this Section, it shall be rebuttably presumed that the Owner of the property served where or upon which such violation exists, or of property which directly benefits from such violation, is the person who

caused or permitted the same to occur. A separate and distinct violation shall be deemed committed upon each day, or a portion thereof, that any such violation shall occur or continue. Those provisions of Article III applicable to invoicing and collection of fees and charges shall apply to any and all charges imposed under this Section 7.7.

- 7.7.1 Unauthorized Connection. Any connection made to the District's water or wastewater system without a proper tap permit therefore: An amount equal to twice the tap fee charge for the connection made, calculated as provided in Article III above, in addition to any tap fee imposed or paid pursuant to said Article for the connection when made in conformity with these Rules and Regulations.
- 7.7.2 Unauthorized Use or Discharge. Discharging or otherwise putting wastewater into the District's Wastewater Collection System without proper District authorization therefore, or any form materials or wastewater into the District's system in violation of any provision of these Rules and Regulations: \$2,000 in cases involving industrial waste as defined by Metro, \$250 in all other cases.
- 7.7.3 Interceptor Violations. Bypassing, failure to have, failure to use or failure to maintain to District standards any grease or sand interceptor: \$50.00
- 7.7.4 Swimming Pool Discharge Violations. Failure to obtain or comply with the terms of a swimming pool discharge permit as required by Section 2.56: \$250.00
- 7.7.5 Interference/Failure to Permit Inspection. Interfering with the employees or agents of the District in the performance of their duties, or refusing to permit District employees or agents to inspect the premises: \$150.00
- 7.7.6 Basement Drains. Connecting a basement drain to the District's system: \$50.00
- 7.7.7 Tampering. Bypassing, breaking, damaging, destroying, removing, uncovering, altering, defacing, or otherwise tamping with any portion of the District's system, obstructing the flow of wastewater in the District's system, or obstructing access to District facilities: \$2,000
- 7.7.8 Easement Violations. Placing any prohibitive plant or structure within the boundaries of any District right-of-way or easement in violation of the terms and provisions of the easement or as otherwise provided in these Rules and Regulations: \$150.00



- 7.7.9 Unauthorized Entry. Opening any manhole or entering any portion of the District's system without authorization: \$25.00
- 7.7.10 Infiltration. Knowingly permitting root infiltration, storm runoff or ground water to enter the District's system: \$100.00
- 7.7.11 Escape of Water. Permitting wastewater to escape from the District's system: \$100.00
- 7.7.12 Failure to Report. Failing to report damage to or alteration of any District facility, or any foreign materials or obstructions in the flow of wastewater in any District facility: \$110.00
- 7.7.13 Failure to Notify of Use Changes. Failure by property owner to notify the District of any use change resulting in need for grease or sand interceptor, swimming pool permit, or increased volume permit: \$250.00
- 7.7.14 Violation of Stop Work Order. Performing or continuing to perform any work in violation of a stop work order: \$500.00
- 7.7.15 Failure to Provide Record Drawings Violation. Failure to furnish record drawings of taps as installed: \$100.00
- 7.7.16 Violation of Suspension/Termination Order. Failure to stop or eliminate the discharge of wastewater from property affected by an order suspending or terminating service to such property: \$100.00
- 7.7.17 False Official Statement. Making or filing with the District any statement, report or application which the person making or filing the same knows or has reasonable cause to know is false or substantially inaccurate, or omitting any material fact in connection with such statement, report or application when the omission thereof leaves the remainder of the information given misleading or substantially inaccurate. \$100.00
- 7.7.18 Failure to Notify of Excavations. Failing to notify the District of excavations in the area of subsurface District facilities at least two business days before beginning such excavation: \$25.00

Section 7.8 Civil Damages. In addition to, and without waiving any other available remedy, the District may recover civil damages from any person liable under the laws of the United States or the State of Colorado to the District as a result of any violation of these Rules and Regulations, or any other unlawful act or omission. Such damages shall include the cost of any water taken in violation of any provision of these Rules and Regulations, connection to the District's Wastewater Collection System in violation of these Rules and Regulations, plus the District's

actual cost of discovering, investigating, curing, mitigating and repairing the consequences of any violation or other unlawful acts, or consequences of any violation or other unlawful acts, or omissions, calculated according to the rates set forth in these Rules and Regulations. The District shall further be entitled to recover three times (3x) its actual damages in cases covered by the provisions of Article 7.5, Title 40, C.R.S., which provisions are incorporated herein by this reference.

Section 7.9 Injunctive Relief. In addition to and without waiving any other available remedy, the District may seek injunctive relief from any act or omission which violates these Rules and Regulations, or which otherwise jeopardizes the property or health of any person, including the District.

Section 7.10 Remedies Cumulative. The remedies available to the District under these Rules and Regulations, under Denver Water's Operating Rules and Regulations, and the Rules and Regulations of Metro, and the laws of the State of Colorado, shall be deemed cumulative, and the utilization by the District of any single such remedy, or combination thereof, shall not preclude the District from utilizing any other remedy or combination thereof.

## **ARTICLE VIII. PROHIBITIONS**

Section 8.1 General. It shall be unlawful for any person to cause or to attempt to cause, or permit, solicit, aid, or abet any other person to cause or attempt to cause, by act or omission, any of the following:

- 8.1.1 Failure to Comply with Rules and Regulations. Any violation of or failure to comply with any requirement imposed in these Rules and Regulations.
- 8.1.2 Violation of Denver Water Operating Rules or Engineering Standards. Any violation of or failure to comply with any applicable requirement of Denver Water Operating Rules or Engineering Standards.
- 8.1.3 Violation of Metro Rules and Regulations. Any violation of or failure to comply with any applicable requirement of Metro's Rules and Regulations.
- 8.1.4 Violation of Wastewater Utility Ordinance. Any violation of or failure to comply with any applicable requirement of any Arapahoe County and/or any City and County of Denver wastewater utility ordinance.
- 8.1.5 Ground Water/Storm Runoff. Any ground water or storm runoff to enter the District's wastewater collection system.

- 8.1.6 Unauthorized Service Connection. Making any connection to any District water or wastewater facility to secure water or wastewater service without all District licenses or permits required therefore.
- 8.1.7 Unauthorized Discharge. Discharge into the District's wastewater collection system in violation of the terms of any permit provided by these Rules and Regulations.
- 8.1.8 Escape of Wastewater. The escape of any wastewater from the District's wastewater collection system.
- 8.1.9 Unauthorized Entry. Opening of or entry into any District wastewater facility without District authorization.
- 8.1.10 Foreign Materials. The unauthorized entry of any materials or substances into any wastewater facility, public or private.
- 8.1.11 Discharge Through Taps Only. The entry of any wastewater into the District wastewater collection system except through a tap or service connections duly authorized by the District for the uses actually made thereof. This provision shall specifically include, without limitation, discharging any wastewater into the District's wastewater collection system through manholes.
- 8.1.12 Unauthorized Use of Water. Take or use water from the District's water distribution system without a valid license or permit therefore, including the taking or use of any water from a licensed premises for service to any other premises not covered by the license.
- 8.1.13 Violation of Licenses or Permits. Take or use any water from the District's system in violation of the terms of any license or permit, including the supplying of water from a licensed premises for service to any other premises not covered by the license.
- 8.1.14 Authorized Supply. Supplying, taking or using treated water within the District from any water system other than the District's system.
- 8.1.15 Right-of-Way/Easement Violations. Constructing, installing, or placing any structures or improvements of any kind, surface or subsurface, temporary or permanent, or planting any tree, woody plant or nursery stock of any kind within the boundaries of any District right-of-way or easement in violation of the terms or conditions of such right-of-way or easement, without express written authorization from the District. For purposes of this provision, the term "structures" includes, but is not necessarily limited to, improved walkways, roads, curbs, gutters, sprinkler systems, other

utility facilities, including those for TV, fences, walls, pools, ponds, water features, ascetic playing fields or courts, and any and all earthen improvement such as berms and grades providing lateral support to any building or other structure, whether or not such structure is itself within the boundaries of the right-of-way or easement.

- 8.1.16 Interconnection/Cross Connection. Any physical connection between the District's water system and any other water system, including that of Denver Water, without the written approval of the District and Denver Water.
- 8.1.17 Interference. Any interference with any employees or agents of the District in the performance of their duties.
- 8.1.18 Tampering. By passing, breaking, damaging, destroying, removing, uncovering, altering, defacing, or otherwise tampering with any portion of the District's water or wastewater collection system.
- 8.1.19 Obstructing Flow. Any act that obstructs or is reasonably likely to obstruct the flow of wastewater in the District's wastewater collection system or the flow of water in the District's water distribution system.
- 8.1.20 Violation of Termination/Suspension Order. The entry of any wastewater into the District's wastewater collection system in violation of a suspension or termination order or to take, use or consume any water from the District's water distribution system in violation of a suspension or termination order.
- 8.1.21 False Official Statements/Report. The making or filing with the District of any statement, report or application which the maker knows or has reasonable cause to know is false or substantially inaccurate, or the omission of any material fact in connection with such statement, report, or application when the omission leaves the remainder of the information given misleading or substantially inaccurate.

Section 8.2 Separate Violations. For the purposes of this Article VIII, a separate and distinct violation shall be deemed committed upon each day or a portion thereof that any such violation shall occur or continue.

Note: The following State statutes are potentially applicable. Any suspected violation may be reported to the Arapahoe County Sheriff and/or the Sheriff of the City and County of Denver and prosecuted in State Courts:

- §18-4-401, C.R.S. – Theft
- §18-4-501, C.R.S. - Criminal Mischief (Damages or Destruction of

Property)  
§18-4-503 and 504, C.R.S. – Trespass  
§18-5-505 and 506, C.R.S. - Tampering (Interruption of Service;  
Unauthorized Connection)  
§18-8-102, C.R.S. - Obstructing Government Operation  
§18-8-106, C.R.S. - Refusing Inspection  
§18-8-111, C.R.S. - False Reporting  
§18-8-113, C.R.S. - Impersonating Public Servant  
§18-8-114, C.R.S. - Abuse of Public Records

## **ARTICLE IX. GREASE INTERCEPTORS**

### **Section 9.1 General Policy.**

9.1.1 Grease Interceptors. This Section covers the requirements for grease interceptors, grease traps, and oil/sand interceptors, and their application and use within the District. Additional information in support of this Section is contained and updated in the District's Grease Interceptor Handbook dated March 18, 2009.

9.1.2 Grease Traps. Except as otherwise provided herein, grease interceptors, when necessary for the proper handling of liquid waste containing oil and grease in excessive amounts, sand or other ingredients harmful to a public sanitary sewer collection/treatment system, are required for all establishments that connect directly or indirectly to the District's public sanitary sewer collection system that provide automotive repair and maintenance services, or that conduct food preparation or processing activities, or any other activities that result in the discharge of oil, grease, sand or other harmful ingredients into the District's sanitary sewer system. Notwithstanding the foregoing, such interceptors shall not be required for private residences or dwelling units unless there are commercial uses being conducted therein that generate amounts of oil, grease, sand or other harmful ingredients beyond those normally generated by a residential dwelling. By way of explanation and not limitation, establishments that are required to install grease interceptors include restaurants, caterers, fast food establishments, hotels, motels, lodges, bed and breakfast facilities, bakeries, grocery stores, or similar food preparation and food service establishments, car washes, automotive service garages, service garages and other similar automotive service establishments.

9.1.3 Installation. Unless a grease trap is determined by the District's Engineer to be appropriate, a grease interceptor shall be installed on the discharge line of every establishment described in Section 9.1.2 above. Without limiting the generality of 9.1.2, a grease interceptor shall be installed on the

discharge line of every establishment that services or has the capacity to serve one hundred (100) or more meals per day or where necessary to prevent the discharge of excessive amounts of grease to the sewer collection system. An establishment shall be deemed to have the capacity to serve one hundred (100) or more meals per day if it has the seating capacity of fifteen (15) or more patrons at any time.

- 9.1.4 Oil/Sand Interceptor. An oil/sand separator shall be installed at all establishments described in Section 9.1.2 above that have the potential for oil, grease and sand to enter floor drains, sinks or other pathways into the public sanitary sewer collection system.
- 9.1.5 Installation and Maintenance Costs. All grease interceptors, and when permitted grease traps, shall be installed and maintained at no cost or expense to the District.

## Section 9.2 Definitions.

- 9.2.1 Grease Interceptor - A two compartment chamber that contains a primary and secondary chamber. The grease interceptor collects grease as it rises to the top of a primary chamber when wastewater passes through the unit. The secondary chamber serves as a backup. The grease that is intercepted must be manually removed from the grease interceptor. Such grease interceptors include, but are not limited to tanks that capture wastewater from dishwashers, floor drains, pot and pan sinks and trenches. As used in these Rules and Regulations the term “grease interceptor” shall mean both grease interceptors and oil/sand separators.
- 9.2.2 Grease Trap - A small indoor device designed to retain grease from one to a maximum of four fixtures. A Grease Trap is not appropriate for use on heated water (e.g. dishwasher) or in-line to a waste disposal unit.
- 9.2.3 Oil and Grease - Animal or vegetable fat, oil, grease or similar products or byproducts having similar characteristics, as well as petroleum oil, grease, and other products.
- 9.2.4 Oil/Sand Separators - A two compartment chamber that contains a primary and secondary chamber. An oil/sand separator is designed for the primary chamber to allow oils and grease, which are lighter than water, to float at the surface while solids such as sand will sink to the bottom. The oil, grease, and sand that are intercepted must be manually removed from the oil/sand separator.

## Section 9.3 Requirements.

- 9.3.1 Grease Interceptor Design Specifications. All grease interceptors, and grease traps where permitted by the District's Engineer, shall be of a type, capacity and design as approved in writing by the District's Engineer and/or his designee (hereinafter referred to as the "District Engineer") and shall be located so as to be readily and easily accessible for cleaning and inspection. Except for existing grease interceptors located inside buildings that the District Engineer determines are functioning properly, or except as otherwise permitted by variance, all grease interceptors shall be located outside the building served and within the property lines of the establishment's premises at a point on the establishment's private sewer service line so that the interceptor will prevent excessive oil, grease, or other harmful substances from entering the District's public sanitary sewer collection system. All establishments required to install grease interceptors shall submit plans and specifications for such interceptors to the District Engineer for review and approval prior to the installation thereof. No grease interceptors shall be used until the District Engineer has observed and approved of the interceptor installation. Review fees will be charged to the establishment's owner/operator by the District to cover the District's plan review costs.
- 9.3.2 Grease Interceptor Installation. All grease interceptors shall be installed in accordance with the plans and specifications therefore as approved by the District Engineer. By way of explanation and not limitation, all grease interceptors shall be installed so that all plumbing fixtures and drains contributing waste flows containing oil and grease shall be connected to the grease interceptor, including but not limited to kitchen and pantry sinks, dishwashers, all food and garbage grinder/disposal units, and all floor drains in areas where food is prepared and utensils are washed. Restroom facilities and water closets will not be connected to the grease interceptor. Grease interceptors shall be vented as required by applicable provisions of the Uniform Plumbing Code (current edition), which provisions are incorporated herein by this reference. All grease interceptors shall have gas tight lids fixed upon each access way.
- 9.3.3 Time of Installation. All grease interceptors or grease traps where permitted under these Rules and Regulations shall be installed prior to the private sewer service line being connected to the District's public sanitary sewer collection system, and if the private sewer service line is presently connected, the grease interceptor or grease trap shall be installed within ninety (90) days from the date written notice is delivered by the District to the establishment indicating that the installation is required. The District

shall require the installation of a new grease interceptor or grease trap for any establishment where the District Engineer determines that the existing grease interceptor is inadequate for any reason to properly protect the District's public sewer system, including if there is no interceptor in existence.

- 9.3.4 **Inspection of Grease Interceptors.** The District Engineer shall establish an inspection program for all grease interceptors. District representatives shall have the right to make periodic inspection of grease interceptors and grease traps. All inspections shall be charged to the establishment in accordance with the rates, fees and charges as established by the District from time to time. During such inspection the District Engineer may request and the establishment owner/operator shall provide maintenance records for the grease interceptor serving the premises.
- 9.3.5 **Right of Entry.** Whenever it is necessary to make an inspection to enforce any provision of this Article IX of the Rules and Regulations, or whenever the District Engineer believes that there exists in any establishment, subject to this Article IX, any condition or violation with regard to the use and maintenance of grease interceptors, the District Engineer may enter such premises to inspect the same; provided that they shall first present proper credentials and request and be granted entry, or otherwise have grounds for an administrative search warrant as may be authorized by law. If requested entry is refused, the District Engineer shall have recourse to every remedy provided by law to secure entry, including issuance of an administrative search warrant from the municipal court or the district court of the State of Colorado.
- 9.3.6 **Variances.** In the event any establishment owner/operator subject to the provisions of this Article IX desires to obtain a variance from the requirement for a grease interceptor or other specified intercepting trap, the location thereof, or any other requirement under the provisions of this Article IX, such person shall submit a written application to the District Engineer, setting forth his name, a description of the property in question with a street address therefore, the type of business operated and the nature of waste discharged into the District's public sanitary sewer collection system, the reasons this regulation should not be applied to such property, and a general description of any fixture or apparatus presently used on the premises to collect waste prior to discharge into the District's public sanitary sewer collection system. The District Engineer shall investigate such establishments and shall establish a date for a hearing on the variance application and, after such hearing, may grant a variance from these Rules and Regulations upon such terms and conditions as the District Engineer



deems proper to adequately protect the District's public sanitary sewer collection system, or the District Engineer may deny such application for a variance. No variance shall be valid except for the specified establishment and for that person to whom the variance is issued. Review fees will be charged to the establishment's owner/operator by the District to cover the District's review costs.

Section 9.4 Additional Design Criteria. In addition to the design requirements set forth in Article 9.3 above, the following additional criteria shall apply to all grease interceptors required under this Article IX:

- 9.4.1 Standard Detail. The standard detail for a grease interceptor can be found in the District's Grease Interceptor Handbook dated March 18, 2009. All new grease interceptors shall be in full compliance with this standard detail.
- 9.4.2 Watertight. Grease interceptor shall be watertight and constructed of concrete.
- 9.4.3 No Siphonage. All interceptors shall be designed and installed so that they will not become air-bound and will not permit siphonage. (i.e. vented).
- 9.4.4 Location. Grease Interceptors shall not be located inside the building unless it is determined by the District Engineer to be impractical to install an outside grease interceptor. This will be subject to approval by the City and County of Denver, Arapahoe County, or other authority having jurisdiction.
- 9.4.5 Prohibition. Water jacketed interceptors or those which are of a similar type requiring connection to the potable water supply system shall not be used.
- 9.4.6 Additional Detail. More detailed information regarding design and installation of grease interceptors can be found in the District's Grease Interceptor Handbook.
- 9.4.7 Observation. Installation of the grease interceptor shall be observed by the District Engineer to ensure compliance with these Rules and Regulations and compliance with the submitted design. The District shall impose an inspection fee sufficient to cover its inspection costs.

Section 9.5 Operation and Maintenance.

- 9.5.1 Owner Responsible for Operation and Maintenance. Each establishment shall be responsible for the operation and maintenance (i.e. cleaning) of the grease interceptor that serves that establishment. All grease interceptors

shall be cleaned every three (3) months unless conditions and use of the interceptor dictate either a more or less frequent cleaning interval, all as determined and approved by the District Engineer. Every establishment owner/operator shall maintain adequate proof of such cleaning, which proof may consist of service bills or other documentation showing the date and volume of oil, grease or other matter removed. All accumulated oil, grease, liquids and sediments shall be removed and disposed of in a manner that is in accordance with all laws governing the disposal of such waste. Biological treatment shall not be a substitute for the pumping and cleaning of the grease interceptor. In addition to the foregoing, every establishment owner/operator shall:

- 9.5.2 Best Management Practices. The owner shall employ best management practices and other efforts to minimize the amount of grease entering the drains.
- 9.5.3 Inspections. The owner shall conduct regular inspections of the grease interceptor to ensure proper operation and maintenance.
- 9.5.4 Owner Responsible. The ultimate responsibility for operation and maintenance of the grease interceptor shall be that of the property owner on whose property the grease interceptor is located.
- 9.5.5 Additional Detail. More detailed information regarding operations and maintenance can be found in the District's Grease Interceptor Handbook date March 18, 2009.

Section 9.6 Prohibitions.

- 9.6.1 No Enzymes. The introduction of cleaning agents, emulsifiers or other substances containing enzymes as active ingredient into grease interceptors is prohibited.
- 9.6.2 No Dumping. Grease interceptor waste shall never be dumped directly or indirectly into a public sanitary sewer collection system, storm drains or any stream or water course.

Section 9.7 Inspections.

- 9.7.1 Random. Grease interceptors will be randomly inspected every one (1) to six (6) months by the District Engineer.
- 9.7.2 Access. Access to the grease interceptor shall be available to the District Engineer at all times.

- 9.7.3 Criteria. Grease interceptors will be evaluated per the District's Grease Interceptor Handbook. The evaluation will include checking the condition of the grease interceptor components, capacity, pumping documentation, and disposal records.

Section 9.8 Non-Compliance.

- 9.8.1 Strict Compliance. The proper operation and maintenance of grease interceptors is a matter of great concern to the health, safety and welfare of the District's inhabitants and, as such, strict compliance with the District's requirements is imperative.
- 9.8.2 Violation. Failure to maintain and clean grease interceptors shall constitute a violation of the regulations set forth.
- 9.8.3 Notice of Violation. In the event a grease interceptor is believed to be in violation of either the design specifications, maintenance requirements or any other provision of these Rules and Regulations, the establishment owner/operator shall be given written notice specifying the violation or violations that have occurred and setting forth the penalties that will be imposed, including termination of sanitary sewer service if the violation(s) are not cured within the time limit as hereinafter provided. The notice shall also inform the establishment owner/operator of his right to a hearing before the District Board. The District and the owner/operator of the establishment that received the notice of violation shall mutually agree upon a time within which all violations shall be corrected, which, in any event shall not exceed fifteen (15) days from the date of the notice of violation was issued to the owner/operator. The District shall mail a copy of the notice of violation to the owner of the real property upon which the establishment is located at said owner's last known address, if the owner of the property is different than the owner/operator of the establishment.
- 9.8.4 Failure to Cure. If all violation(s) have not been cured within said fifteen (15) day period, the District shall be entitled to pursue all available legal or equitable remedies, including the issuance of a court order compelling compliance with these Rules and Regulations, or the District when it is practical to do so, may cause the establishment's grease interceptor to be brought into compliance with these Rules and Regulations. The cost of such work shall be billed to the owner/operator of the establishment. In addition to the foregoing, the District shall impose the following penalties for each violation of this Article IX of the Rules and Regulations:

\$250.00 First offense  
\$300.00 Second offense  
\$500.00 Each offense thereafter

9.8.5 Termination and Lien. In addition to the remedies set forth in Section 9.8.4 above or elsewhere in these Rules and Regulations, the failure of an establishment owner/operator to correct all violations and pay all pumping and other corrective costs, fines and re-inspection fees shall be grounds for discontinuance of the sanitary sewer service to the establishment and/or the filing of a lien against the property that is being served by the District.

9.8.6 Notification to Health Department. If a violator of grease interceptor regulations refuses entry to the District Engineer for inspections and/or to perform corrective work, the District will assume the violation to be continuing. In such cases, the District will notify the local health department and shall proceed with terminating sanitary sewer service to the property following notice and hearing to the property owner in accordance with law.

9.8.7 Additional Information. More detailed information regarding non-compliance of grease interceptors can be found in the District's Grease Interceptor Handbook dated March 18, 2009.

## **ARTICLE X. OWNERSHIP AND OPERATION OF FACILITIES**

Section 10.1 District Facilities. All sewer collection and transmission mains together with all appurtenant manholes and other structures that have been constructed or acquired by the District and accepted for operation and maintenance by the District are the property of the District, unless an agreement with the person or entity which constructed said facilities expressly provides otherwise. All water transmission and distribution mains together with all appurtenant valves and valve boxes and other structures that have been constructed or acquired by the District and accepted by the District are the property of the District subject to the dominion and control that has been delegated to Denver Water pursuant to the District's Total Service Contract with Denver Water, unless an agreement with the person or entity which constructed said facilities expressly provides otherwise. This rule shall control ownership whether the water or sanitary sewer mains or facilities are constructed or financed by the District or by any other person.

Section 10.2 Sewer Service Lines. Any sanitary sewer service line and its appurtenances, including but not limited to, the sanitary sewer pipe from the structure being served to the connection on the District's main shall be the responsibility of the property owner for maintenance, repair and replacement, as more particularly set forth in Article IV.

Any water service line and its appurtenances, including but not limited to, the water service pipe from the structure being served to the connection on the District's water main shall be the responsibility of the property owner for maintenance, repair and replacement, as more particularly set forth in Denver Water's Rules and Regulations.

Section 10.3 Right of Entry. The District's Board, employees of the District, if any, or other personnel authorized by the District's Board shall be permitted by the customer/owner to enter upon all properties or appurtenances for the purpose of installation, repair, replacement, maintenance, inspection, observation, measurement, sampling and testing of any grease or sand trap interceptor or tap connection to the District's mains in accordance with the provisions of these Rules and Regulations. The granting of such entry by the customer/owner is a condition precedent and condition subsequent to the provision of wastewater service by the District. Refusal to permit such access to District's personnel or contractors may result in immediate termination of sanitary sewer service or cause additional charge to the customer at the discretion of the District' Board of Directors.

Section 10.4 Limitation of Liability of District. Except as provided by the Colorado Governmental Immunity Act, Section 24-10-101, et. seq., C.R.S., no claim for damage shall be made against the District by reason of the following: backup of sanitary sewer main, break of sewer main, termination of sanitary sewer service, making of connections or extensions, damaged caused by releases from the District's sanitary sewer mains, or any interruption of services where the same is brought about by circumstances beyond the control of the District, or for doing anything to the wastewater collection system deemed by the Board of Directors or its agents as necessary for the protection of the public safety, health and welfare. The District assumes no liability for the treatment of any wastewater collected or transported by the District's wastewater collection system.

Section 10.5 Suspension/Termination of Service. The District reserves the right to temporarily discontinue water or sanitary sewer service to any property for any reason deemed necessary or appropriate by the Board. The District shall also have the right revoke water and/or sanitary sewer service to any property for violations of these Rules and Regulations in accordance with the procedures set forth in these Rules and Regulations.

Section 10.6 Existence of Easement. An easement, whether recorded or not, and whether a water or sanitary sewer main is actually within a recorded easement, is deemed to exist if a customer is receiving and accepting either water and/or wastewater service from the District. The District shall have access over and across said easement to effect repairs, maintenance and replacement; the easement shall be implied to be adequate to conduct such activities.

Section 10.7 Conditions of Ownership. A customer's ownership of his/her sanitary sewer service line or water service line shall not entitle the customer to make unauthorized uses of the District's water distribution or wastewater collection systems. Changes in uses of the property, increases in the demand for water service, or the volume of wastewater used after the initial connection to the District's systems shall be subject to these Rules and Regulations, including possible liability for additional tap fees.

## **ARTICLE XI. MAIN EXTENSIONS**

Section 11.1 Water Mains - Approval Required. No property owner or developer shall construct or install any extension to any District water main without the prior written approval of Denver Water and the District following formal application therefore upon compliance with Denver Water's Rules and Regulations.

Section 11.2 Sewer Main Extension - Approval Required. No property owner or developer shall construct or install an extension to any District sewer line or main without the prior written approval of the District, following formal application therefore upon compliance with these Rules and Regulations. Property owner shall enter into a written Application and Agreement for Extension of Mains and, where applicable, other required agreements with the District setting forth additional terms and conditions applicable to the extension of any District sewer line or main.

Section 11.3 Location. All sewer line extensions shall be located only in rights-of-way or easements deeded to the District, or in roads or streets within a City, County, State Highway Department, or other public agency that has accepted the same for maintenance as a public right-of-way.

Section 11.4 Deeded Rights-of-Way and Easements. Deeded rights-of-way or easements necessary for extension of District sewer mains not located in public rights-of-way shall, if located within property owned or under control of the property owner, be granted at no cost by property owner to the District at such time and upon such terms as the District may reasonably require. In addition to any other requirements set forth in these Rules and Regulations, property owners shall comply with the following minimum requirements in connection with all such grants:

11.4.1 Legal Description. Property owner/developer shall furnish the District with a legal description of all rights-of-way or easement parcels to be granted by any single conveyance instrument, consisting of a printed legal description, certified by a land surveyor, registered in the State of Colorado, and an accurate survey drawing of each parcel, including North arrow and scale,

tying each parcel to a survey land corner or corner of a platted parcel of land.

11.4.2 Evidence of Title. Property owner/developer shall furnish suitable evidence of title, consisting of a commitment for a title insurance policy, an attorney title opinion, or a written ownership and encumbrance report, dated within 30 days before the date of submission to the District. Evidence of the title must show all current mortgages and deeds of trust, liens and other encumbrances against the property.

11.4.3 Release of Encumbrances. The District may, at its discretion, require a properly executed and acknowledge release to exempt any easement or right-of-way parcel from the lien of any mortgage or deed of trust. If so required, the District will not accept the extension or other facilities for maintenance until it receives all required releases. The District reserves the right to require additional or supplemental evidence of title when the release is recorded.

Section 11.5 Right-of-Way Acquisition Costs. Property owner/developer shall be responsible for and pay, directly or indirectly, or reimbursement the District for, all costs and expenses of whatsoever kind associated with the acquisition and approval of all easements and rights-of-way needed to extend service from existing District facilities to the boundary of the property to be served by property owner or developer.

Section 11.6 Design and Construction Costs. Property owner/developer shall at it sole cost and expense design, construct, and install all extensions, including without limitation frontage extensions, reasonably required by the District to serve the subject property.

Section 11.7 Plan Review and Approval. No construction of any extension shall begin until after the plans and designs therefore have been submitted to, reviewed and approved by the District's engineer and a preconstruction meeting has been held. The District shall inform property owner/developer in writing of the reasons for any disapproval. Upon approval of the plans and design, the District will schedule the preconstruction meeting.

Section 11.8 Construction Observation. Property owner/developer shall notify the District at least two business days before commencing construction and at any and all other times specified by the District for observation, inspection, and testing and any plan approvals or otherwise.

Section 11.9 Acceptance of Extensions. Upon completion of construction, property owner/developer shall, if not previously set forth in the Application and

Agreement for Extension of Mains, execute such additional documents as may be required by the District to effectuate a transfer by property owner/developer of all of its right, title and interest in and to such extensions to the District, any and all deeds and bills of sale shall be subject to the following terms and conditions, which shall be conditions precedent to the transfer/conveyance of any sanitary sewer facilities to the District:

11.9.1 District Review. The District shall determine that the extension has been constructed and connected to the District facilities in conformance with the District's Rules and Regulations and Standards and Specifications, and that such facilities have passed all necessary tests and have been approved for use by all other governmental entities and agencies having jurisdiction.

11.9.2 Documents/Drawings. Property owner/developer shall tender for District's approval and the District has approved and accepted the following:

- a) Record or as-built drawings and certified compaction test results and reporting as specified in the District's Engineering Standards.
- b) As-built documentation showing the location of all component parts of the extension as set forth in the District's Standards and Specifications.
- c) An irrevocable letter to credit or other form of security acceptable to the District in an amount equal to 10% of the cost of constructing the extension or such greater amount as the District may reasonably determine on account of special circumstances.
- d) A duly executed statement that all suppliers, labor and subcontractors have been paid in full.
- e) A duly executed written assignment of all manufacturer's warranties or materials, if applicable.
- f) Payment of all sums then due to the District in connection with the extension.

11.9.3 Maintenance and Repair. Upon conditional acceptance the property owner/developer shall be entitled to tap the main, but the property owner/developer shall be responsible for all routine maintenance and shall be solely responsible for correction of any and all defects in the extension until the warranty period as set forth in Section 11.9.4 has expired and the extension has been finally accepted by the District for all purposes including maintenance. By way of explanation and not limitation property owner/developer shall be solely responsible for correction of the following:



- a) Subsidence. During the warranty period property owner/developer shall at its sole cost and expense correct any soil subsidence or erosion which the District determines occurred in connection with or as a result of construction of the extension prior to conveyance to the District or during the warranty period.
- b) Cure of Defects. During the warranty period property owner/developer shall at its sole cost and expense correct, repair or replace any part or parts of the extension which the District reasonably determines were not constructed in conformity with these Rules and Regulations, approved plans, construction notes or specifications of which the District determines to be defective, of poor or un-workman like quality or otherwise not in conformity with any applicable warranty.

11.9.4 Warranty Period. All conveyances to the District shall be subject to a 12 month (or until final acceptance by the District) warranty period during which the property owner/developer shall be fully responsible for all maintenance and repair of the conveyed facility as well as for the correction of any defective materials and/or workmanship.