RULES AND REGULATIONS

MANSFIELD HEIGHTS WATER AND SANITATION DISTRICT

ARAPAHOE COUNTY, COLORADO

ADOPTED AND EFFECTIVE

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MANSFIELD HEIGHTS WATER AND SANITATION DISTRICT

RULES AND REGULATIONS

The Board of Directors of the Mansfield Heights Water and Sanitation District hereby declares that the following Rules and Regulations have been prepared and adopted to provide for the construction, administration and operation of the water and sanitary sewage systems of the District. Provisions contained in the Rules and Regulations which are different than those in effect on the date the Rules and Regulations are adopted, shall be effective on the date of adoption.

The Board of Directors hereby expressly reserves the right to make any lawful addition and/or revisions in these Rules and Regulations when and as they may become advisable to properly manage the District and to promote the peace, health, safety and welfare of the residents and property owners in the District. These Rules and Regulations are supplementary to, and are not to be construed as, any abridgement of any lawful rights of the Board as outlined in the Colorado Revised Statutes governing Special Districts, including the right to disconnect or to refuse permission to connect any water or sewer service for violation of these Rules and Regulations or the applicable plumbing codes of the State of Colorado.

The rules and regulations hereinafter set forth are expressly made subject to any and all contracts entered into between the District and the Metro Wastewater Reclamation District and DWB, respectively, and any inconsistency in those contracts, or in the rules and regulations of those other entities which may, under those agreements, be applicable, shall be resolved in favor of whichever provision is the more restrictive in scope. Where each entity assess fees and charges for a single event or use of the District’s systems and/or services, unless expressly stated to the contrary all fees and/or charges shall be paid by the required payer and both, until paid, shall constitute a lien of the District against the property being served as if all were assessed by the District.

MANSFIELD HEIGHTS WATERAND SANITATION DISTRICT

RULES AND REGULATIONS

ARTICLE I

100 – DEFINITIONS

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

100.01 ACTIVATION: To actually put a sewer connection to use, or to put it in such a state as to be capable of being put to use.

100.02 ACTUAL COST: All direct costs applicable to the construction of a given main or, Service Line, including but not limited to construction, engineering, inspection, plan approval fees, etc. which have been paid by the District or Line Constructor. Actual Costs shall include the cost of acquiring rights-of-way, easements, valves, fire hydrants, and any other appurtenances of all mains.

100.03 BOARD AND BOARD OF DIRECTORS: The Board of Directors of the District, which acts as the governing body of the District.

100.04 [Reserved]

100.05 [Reserved]

100.06 [Reserved]

100.07 CONNECTION: The connecting of the Service Line to the internal water or sewer lines within the structure which it is designated to serve.

100.08 CONSTRUCTOR or LINE CONSTRUCTOR: The land owner(s), developer(s), subdivider(s), or agency(ies) paying the Actual Cost of construction of the lines.

100.09 CONTRACTOR: Any person, firm or corporation authorized by the District to perform work and to furnish materials for the Water Works or Sewage System within or outside the District.

100.10 CUSTOMER: Any person, company, corporation or governmental authority or agency authorized to use the Water Works or Sewer System under a permit issued by the District.

100.11 DELETERIOUS WASTES: Any wastes contained in Special Sewage that would be harmful to the District’s Sewer Mains or to the Sewage Treatment Works to which the Mains connect.

100.12 DENVER WATER BOARD OR DWB: The Board of Water Commissioners of the City and County of Denver.

100.13 DEVELOPER: Any Person or firm who owns land and seeks to have the land served by the District.

100.14 DISTRICT: The Mansfield Heights Water and Sanitation District.

100.15 DISTRICT ENGINEER: That Person or firm that has been designated by the Board to perform engineering work for the District.

100.16 FEE SCHEDULE: The schedule of District fees, rates, charges and penalties on file in the District’s office and available to the public, as it may be amended from time to time.

100.17 GENERAL MANAGER or MANAGER: The person authorized by the Board to administer and supervise the affairs of the District and all District employees.

100.18 HABITABLE SPACE: All floor space for purposes of measuring the square footage of a commercial user for purposes of calculating the System Development Fee including, but not limited to, all retail area, sales area, display area, seating area, hallways, offices, and facilities, but not including garage or parking areas and similar non-habitable space.

100.19 LICENSED PLUMBER (MASTER PLUMBER) OR PIPE LAYER: The Person who has been bonded with the District and holds the appropriate license to work on Water Works or Sewage Systems by the State of Colorado and any other applicable jurisdiction.

100.20 MAINS OR WATER MAINS: Any pipe, piping or system of piping used as a

conduit for water in the District’s water, system and owned by the District.

100.21 METRO, METRO DISTRICT OR METRO WASTEWATER RECLAMATION DISTRICT: The Metropolitan Wastewater Reclamation District.

100.22 MULTI-FAMILY CONNECTION: One connection serving three or more residential units.

100.23 PERMIT: Written authorization of the District to connect to a Water Main or Sewer Main of the District and pursuant to these rules and regulations of the District.

100.24 PERSON: Shall mean any individual, firm, company, society, corporation, partnership, business entity, association, or group.

100.25 SAMPLING: The periodic collection of sewage samples for analysis.

100.25a SERVICE LINE: Any line, pipe, system of lines or piping and appurtenances, used as a conduit for sewage or water between a building used for residential, commercial, public use or industrial purposes to a connection with the District’s Sewer or Water Mains, as the case may be.

100.26 SEWAGE: An organic or inorganic material in suspension or solution originating from within residential, commercial, public use or industrial buildings.

100.27 [Reserved]

100.28 SEWAGE SYSTEM: All facilities owned by the District and used for collecting, treating, and disposition of Sewage.

100.29 SEWER MAIN: Any pipe, system of piping and appurtenances used for collecting, treating, and disposition of Sewage.

100.30 SEWER SERVICE LINE: Any pipe, system of piping and appurtenances used as a conduit for Sewage from a building used for residential, commercial, public use or industrial purposed to a connection with the Sewer Main.

100.31 SHALL: Is mandatory; MAY is permissive.

100.32 STUB OUT: The extension by a builder of a portion of a Service Line from a Water or Sewer Main past the curb line to enable subsequent connection of a Service Line to a home without cutting a street.

100.33 SYSTEM DEVELOPMENT FEE: The charge assessed upon application for the privilege to connect to the Water or Sewage System of the District. The fee is assessed upon application for a new Tap or a change in use of a previously connected Tap, and is charged pursuant to the Fee Schedule. As used in these rules and regulations, reference to the fee shall include all such charges assessed by the District and the Metro Wastewater Reclamation District, as applicable; provided, however, that payment of the System Development Fee shall not relieve the payer of the obligation to pay, separately, all such charges assessed by the Metro District. The System Development Fee is also called a “Tap Fee.”

100.34 TAP: The connection of a Water or Sewer Service Line to the Water or Sewer

Mains or Stub-Outs and its extension to any exterior wall of the structure it is to serve.

100.35 TAP FEE: The Tap Fee is the same as the System Development Fee.

100.36 TESTING: The analysis of samples of sewage.

100.37 UNIT: A residential dwelling having at least one bath and one kitchen facility.

100.38 USER: Any Person to whom sewer service is served, be it renter, record User, corporation, company, individual, or their respective assigns or agents.

100.39 WATER MAIN: Any pipe, system of piping and appurtenances of the District used for transmitting Water.

100.40 WATER SERVICE LINE: Any pipe, system of piping and appurtenances used as a conduit for water to a building used for residential, commercial, public use or industrial purposes from a connection with the Water Main.

100.41 WATER SYSTEM: All facilities owned by the District and used for the transmission of water.

100.42 ANY OTHER TERM not herein defined may be defined as presented in the “Glossary – Water and Sewage Control Engineering,” American Water Works Association (A.W.W.A.), and American Society of Civil Engineers (A.S.C.E.), latest editions, but otherwise shall be defined with regard to the context in which it is used herein as determined by the Board of Directors in its sole discretion.

ARTICLE II

200 – GENERAL

200.01 SCOPE: These Rules and Regulations have been adopted and promulgated pursuant to §32-1-1001, C.R.S. Except where revised, these regulations shall be treated and considered as the continuing and comprehensive regulations governing the operation and function of the Mansfield Heights Water and Sanitation District, and shall where revised supersede all previous regulations of the District.

200.02 PURPOSE: The purpose of these rules and regulations is to provide for the administration and operation of the sanitation system of the Mansfield Heights Water and Sanitation District.

200.03 POLICY: The rules and regulations hereinafter set forth will serve the public in securing the health, safety, prosperity, security, and general welfare of the inhabitants of the Mansfield Heights Water and Sanitation District.

200.04 [Reserved]

200.05 AMENDMENT: These rules and regulations are subject to later amendment by action only of the Board of Directors. Whether stated in the body of this document or not, amendments declared in the minutes of the meetings of the District’s Board of Directors, or effected by virtue of the entry by the Board into, or the amendment of, any agreement, shall be in full force and effect from the date of such declaration or agreement.

200.06 NO RIGHTS CONFERRED: Except to the extent that the District is prohibited from enacting retroactive measures, no provision of these rules and regulations, nor any amendment thereof by whatever method, shall be interpreted or construed as conferring or vesting any right, property or other interest upon any individual or entity other than the District itself. No omission or additional material set forth in these rules and regulations shall be construed as an alteration, waiver, or deviation from any grant of power, duty or responsibility, limitation or restriction

imposed or conferred upon the Board of Directors by virtue of statutes now existing or subsequently amended or adopted under any contract or agreement existing between the District and any other governmental entity. Nothing contained herein shall be so 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 governmental or proprietary affairs of the District.

200.07 INFORMATION RELEASE POLICY: It is the policy of the District that the public have reasonable access to accurate information concerning the activities of the District. The District shall allow the public access to its records to the full extent allowed by Colorado law, specifically including, but not limited to, Section 24-75-201 et seq., C.R.S. The exclusions to access specified in Section 24-75-204, C.R.S. and other statutes, codes or laws, federal or state, shall apply to restrict access to certain District records.

District records shall be available for inspection in the District Office between the hours of

9:00 a.m. to 3:00 p.m. Requests for information, or access to a District file shall be granted as soon as reasonably possible under the circumstances, and the District reserves the right to delay access to a file for the time required, up to three (3) working days or other necessary time, to retrieve the file from its location as allowed by Section 24-722003, C.R.S.

Subject to the provisions of this section, members of the public may request copies of District files or parts thereof at a charge of $.25 per letter-sized page, or the actual cost of reproduction for larger-sized documents.

No files shall be removed from District offices by any member of the public.

All inquiries from the media concerning District related incidents occurring in or out of the District shall be referred to and responded to by the President of the Board or the District’s general counsel. All employees and individual Directors shall refer inquiries of such nature to the Board of Directors for an official response.

All references herein to the Colorado Revised Statutes are to those statutes as they may be amended from time to time.

200.08 MEETINGS OF THE BOARD: Regular or special meetings may be held as often as the needs of the District require. Notices of each meeting shall be posted as provided for in Section 32-1-903 (2), C.R.S., as the same may be amended from time to time. All official business of the Board shall be conducted only during a meeting at which a quorum is present, and meetings shall be open to the public. The term “meetings” as used in this section shall include meeting of those committees of the Board established under Section 200.09 hereof at which a quorum of the Board is expected to be present.

200.09 COMMITTEES OF THE BOARD: The Board of Directors has the option of creating such committees as it deems necessary for the conduct of District business. Meetings of each committee shall be governed by the same rules as apply to meetings of the Board of Directors.

The meetings of each committee shall be posted in accordance with law.

200.10 REVIEW OF COMMITTEE ACTION: Each final action by a committee shall be subject to review by the Board of Directors at a regular or special meeting before such Committee action shall be binding on the District.

200.11 DIRECTOR COMPENSATION: In accordance with Section 32-1-902 (3)(a)(1)(11) C.R.S., as amended, a director may receive compensation for his or her service at the maximum rate allowed by law per meeting attended. Reimbursement of actual expenses for directors shall not be considered compensation and shall be provided upon proper documentation thereof and action by the Board.

200.12 AUTHORITY. The District is a governmental subdivision of the State of Colorado and a body corporate with those powers of a public or quasi-municipal corporation, that are specifically granted for carrying out the objectives and purposes of the District under Article 1 of Title 32 of the Colorado Revised Statutes.

ARTICLE III

300 – USERSHIP AND OPERATION OF FACILITIES

300.01 POLICY:

The District shall endeavor to plan for, capitalize and build capital improvements as demand occurs; but the District shall not be liable or responsible for failure or refusal to approve additional services if deemed appropriate.

The District is empowered and shall endeavor to operate and maintain the Water and Sewage System in a sound and economical manner, in accordance with these rules and regulations and those of the Metro District and the DWB, but shall not be liable or responsible for interruption of or complications to service brought about by circumstances beyond its control including without limitation weather events of any kind.

It shall be the usual responsibility of Developers, under the supervision and control of the District, to finance the cost of all new facilities or incremental facilities required to serve their developments; however, the District may participate in or assume the entire cost for construction of a facility if it deems such participation or assumption appropriate under the circumstances.

300.02 LIABILITY: It is expressly stipulated that no claim for damage shall be made against the District by reason of the following: breaking of any service line by any Person; the making of connections or extensions; anyone doing anything to the Water or Sewer Systems deemed necessary by the Board of Directors or its employees, Contractors, agents or consultants; or from any circumstances beyond the District’s control including without limitation weather events of any kind.

The District hereby reserves the right to terminate the water service or disconnect the sewer service at any time, for any reason deemed appropriate including, but not limited to, any violation of these rules and regulations or Board policies as set forth in the District minutes.

300.03 USERSHIP: All existing and future Water and Sewer Mains, connected with and forming an integral part of the Water or Sewerage Systems and accepted for maintenance by the District shall become and are the property of the District. Said Usership will remain valid whether the Water or Sewer Mains are constructed, financed, paid for, or otherwise acquired by the District, or by other Persons.

That portion of all existing and future Water and Sewer Service Lines including the Tap extending from the main to each Unit or building for each Customer or User, connected with and forming an integral part of the District Water or Sewage System, shall become and are the property and responsibility of the Customer. Said Usership shall remain valid whether the Service Lines are constructed, financed, paid for, or otherwise acquired by the District or by other Persons.

300.04 POWERS AND AUTHORITY OF MANAGER AND INDEPENDENT CONTRACTORS: The General Manager, and/or duly authorized independent Contractors of the District, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of repairs, inspection, observation, measurement, sampling, and testing, or any other reasonable purpose concerning the business and affairs of the District. Failure to permit such inspections, observations, measurements, samplings and/or testing upon the request, in writing, of the Manager may result in the immediate disconnection of service to the property of the party failing to permit such activity. As an alternative the Board may by separate resolution institute a system of fines or other financial penalties for noncompliance.

Except to the extent specifically authorized by the Board, neither the Manager nor Contractor shall have any authority to bind the District in any manner, commit to do anything on behalf of the District, admit to any negligence, failure or indiscretion on the part of the District, or in any manner speak for and on behalf of the District.

ARTICLE IV

400 – USE OF SEWER SYSTEM

400.01 EXCAVATION OR DISTURBANCE OF LINES: No unauthorized Person shall uncover, make any connection with, or opening into, use, alter, or disturb any Sewer Main or appurtenance without first obtaining a Permit from the District.

400.02 METRO RULES: The rules and regulations of Metro current edition, with any addendums are adopted and incorporated herein by this reference, and where any inconsistencies exist between the District’s and Metro’s regulations, the inconsistency shall be resolved in favor of the more restrictive.

400.03 RESPONSIBILITIES OF THE CUSTOMER: Each Customer shall be responsible for maintaining the entire length of the Service Line serving such property. Leaks, infiltration, stoppage, or breaks in such Service Line will be repaired by the User through a Contractor within a reasonable period of time, after notification of such condition by the District. If satisfactory progress toward repairing said leak, stoppage, or break has not been completed within such time period, the Manager may shut off the Water Service until the sewer leaks, stoppage, or breaks have been repaired; in addition, the District shall have the right but not the obligation to effect the repair and collect Actual Costs from the Customer and shall be entitled to place a lien against the property being served to secure payment of such costs. As an alternative the Board may by separate resolution institute a system of fines or other financial penalties for noncompliance

400.04 SWIMMING POOLS: No public or private swimming pool shall be connected to the Sewage System. A permanent sign must be placed prominently at all filter installations stating that pools are not to be drained into the sanitary Sewage System.

400.05 PROHIBITED DISCHARGE: Except as hereinafter provided, no Person shall discharge, or cause to be discharged, to any Sewer Main, any strong or Prohibited Sewage or any harmful waters or wastes, whether liquid, solid, or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment of the Sewage System, or other interference with the proper operation of the Sewage System. Sump pumps or other systems for the collection of ground or storm water, whether passive or active are prohibited from discharging into the District’s sanitary sewer.

400.06 CLASSIFICATION OF WASTES: Metro District rules and regulations apply.

400.06a PROHIBITED SEWAGE: Prohibited sewage shall mean any of the types of Sewage enumerated by these Rules and Regulations or the Metro District. Prohibited Sewage shall include, but not be limited to, clear water such as storm water, surface water, ground water, runoff, sub-surface drainage, sump discharge, swimming pool water, or cooling water injected into the Sewage System by means of a drainage collection system. Said drainage water is detrimental to the Sewage System since it interferes with the District’s volume capacity and with biological processes necessary for proper treatment.

400.07 PROTECTION FROM DAMAGE: No Person shall maliciously, willfully, or, negligently, break, damage, destroy, uncover, deface or tamper with any portion of the Sewage System.

Any Person who shall violate the provisions of this section shall be charged with a minimum of a misdemeanor, upon the complaint of the District and pursuant to the criminal statutes of the State of Colorado.

Any Person violating any of the provisions of these rules and regulations shall be liable to the District for any expense, including legal fees should they be incurred, loss or damage occasioned by reason of such violation.

400.08 [Reserved]

400.9 [Reserved]

ARTICLE V

500 – APPLICATION FOR SERVICE

500.01 INCLUSION: Except as hereafter provided, service will be furnished only to Persons whose property is included within the boundaries of, and subject to, the rules and regulations and subject to taxation by the District.

It shall be incumbent upon the Person seeking service to furnish satisfactory evidence of inclusion whenever such evidence is requested by the District.

A Person owning land within or outside of the exterior boundaries of the District, who desires service, must include all land owned by said Person contiguous to the parcel upon which service is desired into the District, unless the District permits otherwise.

The District’s standard form of inclusion petition will be furnished to the property User upon request. Inclusions of property shall be accomplished in accordance with the provisions of Colorado law, and all costs in connection therewith, including legal and engineering fees and publication costs, shall be paid by the petitioner.

500.02 SERVICE OUTSIDE THE DISTRICT: The District may, if determined to be advantageous to the District, furnish service to properties located outside the boundaries of the District, but under no circumstances shall the District construct any Mains at its own expense to service such properties. No service shall be provided to properties located outside the boundaries of the District except upon the express written consent of Metro and the Denver Water Board, as applicable.

Charges for furnishing service outside the District shall be at the discretion of the Board of Directors, who shall take into account the relative cost of service including but not limited to the estimated mill levy for which such property would be responsible if it were within the boundaries of the District.

These rules and regulations shall be applicable to all property owners outside the District who are furnished water or sewer by the District, and no connection to the District’s mains shall be permitted until the property User shall have agreed to abide by the rules and regulations.

In every case where the District furnishes service to property outside the District, the District reserves the right to discontinue the service when, in the judgment of the Board of Directors, it is in the best interest of the District to do so, and such service shall be considered to be furnished pursuant to a revocable license.

500.03 [Reserved]

500.04 APPLICATION FOR TAP PERMIT: The User of a property seeking service from the District shall submit an Application for Tap Permit, on the District’s standard form. The issuance of such permit shall be subject to the issuance of the applicable permit from the Metro District or DWB as the case may be.

Failure to comply with part or all of the above shall result in revocation of the Tap allocation and forfeiture of all Tap Fees paid. In every case, no connection shall be allowed until a Tap Fee has been paid. The amount paid for a Tap Fee shall be non-refundable, even if the Tap is revoked, unless otherwise determined by the Board of Directors upon showing of unusual circumstances.

500.05 EXPIRATION OF TAPS:

Except as modified herein, the expiration of Taps shall be governed by the purchase and other relevant policies of the Metro District and DWB, which are adopted herein by this reference.

500.06 DENIAL OF APPLICATION FOR SERVICE: The District reserves the right to deny application for service for any or all of the following reasons:

A. Any misrepresentation in the application as to the property and fixtures contained in the property, or the use to be made of the District’s system;

B. The service applied for would create an excessive seasonal, or other, demand on the District’s facilities;

C. The use proposed is now or hereafter prohibited by the District, the Denver Water Board, or Metro;

D. Other reasons determined by the Board in its sole discretion to serve the best interests of the District.

500.07 CHANGE IN CUSTOMER’S EQUIPMENT OR SERVICE: A Customer shall file an amended application and seek approval by the District prior to making a change in service or in the use of the property served. The District shall have the right to collect from the Customer Actual Costs it may incur for the conversion, including those incurred for overhead and the time expended by the District Manager and Engineer. The District shall have the right of access to install, inspect, replace or otherwise maintain any necessary equipment or appurtenances.

No change in the Customer’s equipment, service or use of property shall be made without the approval of the District, the Metro District and DWB being first obtained and without first paying any applicable fees or charges.

ARTICLE VI

600 – FEES AND CHARGES

The information contained in this section is pertinent to all charges of whatever nature to be levied for provision of sewer service inside the District. Said rates and charges as herein established shall be set forth in a separate Fee Schedule, which, is on file and may be viewed by the public at the District’s offices and shall remain in effect until modified by the Board. Nothing contained herein shall limit the Board from, at any time and with appropriate notice, modifying the rates and charges set forth in the Fee Schedule or from modifying any classification set forth in these rules and regulations.

600.01 APPLICATION OF THIS SECTION: The rates, charges and other information shown herein shall apply only to Customers inside the District and shall in no way obligate the District to provide service outside the District under any of the conditions contained in this section.

600.02 TYPE OF SERVICE: The Board of the District shall periodically establish charges and fees for various types of sewer service. Fees and charges for sewer service shall be based on (1) type of premise or use and (2) property location inside or outside of the District.

600.03 SYSTEM DEVELOPMENT FEE: Prior to Connection, a System Development Fee shall be assessed for the privilege of connecting to the Water or Sewage System of the District. The fee shall be assessed upon approval of previously connected tap, and shall be charged pursuant to the Fee Schedule.

600.03a STUB-OUT FEE: A Stub-Out fee shall be charged for connection of a Sewer Service Line to the District’s Main, as provided in the Fee Schedule. The Stub-Out fee must be paid prior to the time when the Stub-Out is connected to the District’s system. A Stub- Out fee which has been paid shall be deducted from the System Development Fee at the time the System Development Fee is paid.

600.04 [Reserved]

600.05 SERVICE CHARGE: Service charges shall commence at the time the tap is installed. Whenever possible, bills for service will be directed to the User of record of the property rather than the occupant. Service charges shall be as reflected in the Fee Schedule and shall be based on equivalent Units.

600.06 PAYMENT OF SERVICE CHARGES: Statements for charges shall be rendered on a bi-annual basis. Charges and penalties for late payments shall be added to the bills. Bills will be mailed on or about the tenth day of the months of January and July. All bills rendered by the District shall indicate a “Billing Date.” The payment shall be due upon the last day of the month that the bill is sent as shown on the bill. All bills shall include a statement that a bill which is not paid in full within forty-five (45) days of the indicated due date shall be automatically assessed a $50.00 penalty on the 45th day.

600.07 REVOCATION OF SERVICE: Service shall be revocable by the District upon non-payment of valid fees owing to the District or upon failure to comply with the rules and regulations of the District. In the event of noncompliance with the rules and regulations other than non-payment of fees, the Customer shall be given ten (10) days’ written notice of a hearing to revoke service. Said hearing shall be held by the District at a regular or special Meeting of the Board of Directors at which time the Customer shall have the opportunity to present testimony and evidence to the Board. If an amount of money is disputed, prior to the time that such hearing (and as a condition of the hearing being held) the Customer shall be required to deposit the disputed amount with District. Following said hearing, the Board decision shall be final and service to the property may, if the Board so determines, be revoked by disconnecting or blocking either or both the Water and Sewer Service Lines serving the property regardless of the nature of the financial obligation to the District. During the period of construction of a building, the District reserves the right to revoke water service to the property at any time, without notice, for non-payment of fees owing to the District or noncompliance with the rules and regulations.

600.08 [Reserved]

600.09 INSPECTION FEES: Sewer line inspection fees shall be assessed as provided for in the Fee Schedule.

600.10 MISCELLANEOUS COSTS AND EXPENSES: All costs and expenses incident to the installation and connection of the water and/or sewer service shall be borne by the User. The User, by accepting sewer service from the District, agrees to indemnify the Board, its agents, employees, contractors and consultants, for any loss, actual or alleged, or damage that may directly or indirectly be occasioned by the installation of the sewer service.

600.11 LIABILITY FOR PAYMENT: All costs incurred by the District relating to service to a Customer’s property, including but not limited to the costs of collection of District rates, fees, tolls charges and penalties, system development fees, costs of enforcement, costs of shut-off, costs of engineering, inspections, and miscellaneous costs and expenses shall, until paid, constitute a first and perpetual lien on or against the property served and any such lien may be foreclosed in the manner provided by law. If the District determines that a foreclosure is necessary to obtain payment of such amounts, a foreclosure fee equal to the costs of foreclosure incurred by the District shall be assessed against the property plus the costs of prosecuting such foreclosure and such foreclosure fee shall constitute a perpetual lien on the property as well.

The District shall have the right to assess any Customer who is tardy in payment of his account all legal, court and other costs necessary to or incidental to the collection of said account.

The User and the occupant of a property receiving service are hereby deemed equally liable for charges of the District. The District assumes no responsibility hereby for any agreement made between Users and occupants regardless of how made or the District having been notified of such agreement.

600.12 VENDORS AND VENDEES RESPONSIBILITIES: The District assumes no responsibility for agreements between vendors and vendees. It shall be the responsibility of the vendee to ascertain whether fees and charges have been paid by the vendor. Regardless of ownership or of the failure of the District to collect fees and charges at the time of issuance of Permits or any other act or omission of the District, unpaid fees and charges shall constitute a first and perpetual lien on and against the property which lien may be foreclosed as provided by law.

600.13 UNAUTHORIZED CONNECTION PENALTIES: An unauthorized connection penalty equal to twice the System Development Fee (which includes Denver Water Board and Metro’s development fees) due shall be payable by Persons connecting to the Water or Sewage System without prior payment of System Development Fees, approval of such connection, application for service or opportunity given the District for inspection of lines.

600.14 TURN-OFF FEE: If services must be discontinued by the District due to a delinquency or a violation of these Rules and regulations, a turn-off fee will be charged per the Fee Schedule.

600.15 TURN-ON FEE: After service has been shut off by the District due to a delinquent account, a turn-on fee shall be charged for turning on the service per the Fee Schedule.

600.16 PENALTY FOR “UNAUTHORIZED TURN-ON”: It shall be a violation of these rules and regulations for any Person other than employees or officials of the District to turn on water or reconnect a Sewer Service Line and a penalty shall be charged for any unauthorized turn- on (see Fee Schedule).

ARTICLE VII

700 SERVICE LINE CONSTRUCTION

700.01 SERVICE LINE REQUIREMENTS: A separate and independent Water and Sewer Service Line shall be provided for every building. An independent Sewer Service Line and Water Service Line are required for individually owned Units. A determination as to whether the Service Line will connect directly into a District Main or private main first then into a District Main will be made by the District Engineer and/or District General Manager. The Board may waive the requirement of a separate Service Line, if a standard unified service agreement has been entered into with the District as described below. All Service Lines shall be installed at the expense of the User, except as otherwise provided herein.

A Duplex may, in the discretion of the District, have one or two Service Line connections. Each Duplex Unit shall be separately metered. Fees paid under this Section 800.1 for a Duplex Unit shall be equal to the fees paid for two (2) ¾-inch taps. Duplex properties must have a single sewer line for each Unit regardless of whether the duplex property has a single water line serving both Units or has two separate Water Service Lines.

Service Lines shall be installed in accordance with the specifications set forth by Metro or DWB.

700.02 INSPECTION: The applicant for the Connection Permit shall notify the General Manager when the service is ready for inspection and connection to the Main. The Connection shall be made by plumbers or pipe layers bonded with the District. Authorized District personnel or their agents will inspect the Connection pursuant to the District’s rules and regulations once notified by the Contractor. The plumbing contracted for by a licensed plumber may be performed by the licensed plumber through journeymen plumbers or apprentices under the licensed plumber’s direction.

ARTICLE VIII

800 – PROCEDURES CONCERNING APPEALS OF DECISIONS

800.01 PURPOSE: It is the policy of the District to have issues determined by District staff members and consultants if possible. There may be instances where a Customer or member of the public disagrees with a decision, interpretation, or application of a District rule or regulation, specification, fee calculation, billing, or other matter that was provided by a District staff member or consultant. The purpose of this rule is to provide a uniform procedure for handling appeals of decisions.

The procedure in this rule is to be used sequentially. A Person presenting an issue is to begin the process with 800.02 below, proceeding to 800.03, 800.04 and so forth in order as applicable. Any item may, however, be taken directly to the Board, but only in the case of a bona fide emergency, with the determination of the existence of a bona fide emergency to be made by the Board.

800.02 WRITTEN DECISION: Whenever a Person believes that an erroneous, unfair, or bad decision has been made by a District staff member or consultant on a matter of interest to such Person, if the decision is in writing, the Person may proceed to Section 800.03 hereof;

If the decision is not in writing, the Person shall request written documentation of the decision from the Manager or consultant involved. The Manager or the applicable consultant is hereby directed to complete the written documentation within 48 hours of the request (weekends and holidays are excluded from all computations of time in this Rule). Upon receipt of the written documentation or passage of 48 hours without the documentation being completed, the Person may proceed to Section 800.03 hereof.

800.03 APPEAL TO THE DISTRICT MANAGER:

If the decision is by a consultant or a person other than the District General Manager, within ten (10) days of the decision, the Person shall file a letter with the District Manager explaining the problem, together with the written documentation from 800.02 above or a statement that no documentation was completed within the 48-hour time period. The Person may attach information to the letter that may be helpful to review the decision. The letter should include a description of the relief sought.

If the decision of concern was made by the District Manager, the Person may proceed to Section 800.04 hereof.

A member of the Board of Directors has no power to make a decision for the District; however, if the act or omission of concern is by a member of the Board, the Person may proceed to Section 800.04 hereof;

The District General Manager shall review the letter and information provided by the Person. The District General Manager may review District files, discuss the matter with the Person, District staff or consultants, and undertake such investigation as the District Manager deems necessary under the circumstances to review the matter.

Within five (5) days, the District Manager shall render a written decision on the matter and make the same available to the Person, and the relevant District staff or consultant.

800.04 APPEAL OF MANAGER’S DECISION:

If the issue presented by the Person is still unresolved following the decision by the District General Manager, or if the problem is of the type described in Section 800.03(2) or (3), such Person shall furnish a letter to the President of the Board of Directors of the District with a copy to the attorney for the District explaining the issue, the relief sought, and including such other information as will assist the Board in the matter.

Within thirty (30) days of receipt of the letter, described in Section 800.04(1) hereof, the President shall cause the matter to be placed on the agenda of a meeting of the Board. The Person shall be provided written, telephonic or electronic mail notice of the date, time, and place of such meeting at least three (3) days in advance of the meeting. The Person may appear before the Board at such meeting and shall be provided an opportunity to be heard, either personally or through an attorney or other representative. Strict rules of evidence shall not be followed during the hearing. The hearing may be continued from time to time, as determined by the Board.

Within fifteen (15) days of the conclusion of the hearing, the Board shall provide the Person a written final decision on the matter.