

**RULES AND REGULATIONS**  
**of**  
**WILLOWS WATER DISTRICT**

**Arapahoe County, Colorado**

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# WILLOWS WATER DISTRICT

## RULES AND REGULATIONS

### SECTION 1 – GENERAL

1.01 Authority. These Rules and Regulations are adopted by the Board of Directors of Willows Water District in accordance with section 32-1-1001(l)(m) of the Colorado Revised Statutes.

1.02 Effectiveness. These Rules and Regulations as amended become effective on and after October 22, 2009, and supersede all former Rules and Regulations which are or may be in conflict with these Rules and Regulations.

1.03 Amendment. These Rules and Regulations may be amended from time to time in accordance with the law.

1.04 Titles. Titles used in these Rules and Regulations are for convenience only and shall not be considered in interpreting their meaning or scope.

1.05 Severability. If any provision of these Rules and Regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application, and to this end, the various provisions of these Rules are declared to be severable.

1.06 Definitions. As used in these Rules and Regulations, unless the context otherwise requires:

- a. Board and Board of Directors means the Board of Directors of Willows Water District.
- b. Connection means the point at which two different facilities are joined. (Also see definition of “tap” – Rule 1.06 u.)
- c. Customer means the permittee or the occupant of the permitted premises.
- d. Denver Water means the Board of Water Commissioners of the City and County of Denver.
- e. District means Willows Water District.
- f. District’s Engineering Standards means the current Engineering Standards promulgated by the Manager of Denver Water and any special provisions adopted by the District to supplement Denver Water’s Engineering Standards.
- g. District’s Service Area means the “Contract Service Area” as defined in water service agreements between Denver Water and the District, together with amendments or expansions of the Contract Service Area accomplished in accordance with the terms and provisions of those agreements.

- h. District's Water System means the facilities, water mains, appurtenances, accessories, or portion thereof owned by the District.
- i. Manager means the person appointed by the Board of Directors to manage, among other things, the District's water system.
- j. Nonpotable Water means water that is suitable for various beneficial uses excluding human consumption, such as treated domestic wastewater, groundwater, or raw water.
- k. Participation Charge means a charge assessed by Denver Water for a new tap to receive water furnished by Denver Water through the District's water system pursuant to water service agreements between Denver Water and the District.
- l. Permit means a formal document allowing a customer to receive service from the District for a specified purpose. A permit shall be required for every tap into a water main.
- m. Permitted Premises means the area to which water service is limited under a particular permit, including the contiguous land area and any improvements.
- n. Permittee means any person, association, corporation, entity, or governmental agency having ownership or control of a permitted premises.
- o. Planned Development Complexes (also known as Planned Unit Development/Planned Building Group (PUD, PBG)) mean real estate developments consisting of separate buildings in a common ownership and/or management in which buildings are not separated by dedicated public streets within the boundaries of the development.
- p. Potable Water means water that conforms to state and federal regulations for drinking water.
- q. Private System means a water distribution system not owned or maintained by the District. The term may include systems constructed or owned by permittees, companies, individuals, municipal or quasi-municipal organizations.
- r. Service Pipe or Service Line means all pipe, fittings, and appurtenances needed to convey water from the tap on the District's water mains to an individual house or structure.
- s. Stub-In means a connection to a water main intended to allow installation of a service line prior to setting a meter.
- t. System Development Charge means a charge assessed by Denver Water for a new tap to receive water furnished by Denver Water through the District's water system pursuant to water service agreements between Denver Water and the District.



- u. Tap means a physical device, pipefitting, or connection that connects a service line to a water main which, together with appropriate permit, provides water service to a permitted premises. (Also see definition of “connection” – Rule 1.06 b.)
- v. Tap Fee means a charge that is assessed by the District to an applicant for a permit to receive water through the District’s water system. A tap fee is a separate charge from the System Development Charge and any applicable Participation Charge assessed by Denver Water.
- w. Water Main means those pipes located within public streets or appropriate easements that distribute water directly to the service pipes serving permitted premises.

## **SECTION 2 – THE DISTRICT’S WATER SYSTEM**

- 2.01 Operation. The District is responsible for the distribution of water within the District’s Service Area and the maintenance, repair, and replacement of the District’s water system.
- 2.02 Liability. As a condition of water service from the District, the customer agrees that no claim for damage shall be made against the District by reason of the following. leaking or breaking of any service pipe or line, cock, or water meter; pressure changes, leaking or defective water mains or pipes; stoppage of flow through the District’s water system; shutting off or turning on water in the water mains; the making of connections or extensions to the District’s water system; damage caused by water running or escaping from open or defective faucets; burst service pipes or other facilities not owned by the District; damage to water heaters, boilers, or other appliances resulting from shutting water off, or for turning it on, or from inadequate or sporadic pressures; or for doing anything to the District’s water system deemed necessary by the Board of Directors or its agents. (Also see Rule 7.04.)
- 2.03 Interference With the Water System. No unauthorized person shall maliciously, willfully, or negligently, break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the District’s water system, including fire hydrants. Any person violating this Rule shall be subject to prosecution or a civil action for damages.

## **SECTION 3 - PERMITS**

- 3.01 Conditions of Service.
  - 3.01.1 Eligibility for Service.
    - a. All property situated within the District’s Service Area shall be eligible to receive water service from the District in accordance with the terms of water service agreements between Denver Water and the District and upon compliance with these Rules and Regulations and payment of such fees and charges as may be applicable and necessary to extend the District’s water system to the property concerned. The timing and method for extending or providing service shall be at the sole discretion of the District.

b. The District reserves the right to review all proposed water uses as to their overall effect on the District's water system. High volume water users may be required to take special measures to lessen and/or limit their demands on the District's water system. Specifically, commercial laundries, restaurants, car wash facilities, etc. may, at the discretion of the District, after review of the projected demands, require holding tanks, recirculation facilities, etc., to reduce the demands on the District's water system.

### 3.01.2 General Conditions.

a. Permit Required. No person or entity may obtain or use water directly or indirectly from the District's water system without a properly issued and currently valid permit. A permit entitles a particular premises to obtain and use water from the District's water system in accordance with the terms of the permit and subject to the terms of these Rules and Regulations. A request for issuance of a permit shall be made to the District on a form provided by the District, accompanied by all fees and charges required for the type of permit requested.

b. Compliance with Permit Terms. Permits are usable only in accordance with the terms of the permit and grant the right to use water only on the permitted premises and only for the purposes specified in the permit, subject to the modification, suspension, or revocation of such permit as herein provided. No water user at any permitted premises shall supply or permit water to be used on any other premises without the permission of the District.

c. No Private Distribution. Distribution of potable or non-potable water inside the District's Service Area by anyone other than the District is prohibited. However, property owners may make arrangements for payment or reimbursement for payment of water charges by or among occupants of a permitted premises.

d. No Transfer of Permit. Permits attach to the permitted premises only. The tap must be reasonably sized in relation to the size of the permitted premises in the judgment of the District. Permits are not affected by changes in the ownership of the permitted premises. Permits for water service cannot be transferred from one premises to another.

e. No Transfer of Ownership of Water. Neither the issuance of a permit nor the use of water thereunder shall constitute or be deemed a relinquishment of title to or dominion or control of any water or water right by Denver Water or the District. No act, circumstance or condition of use or service shall be deemed to constitute a conveyance or operate to create in a permittee any vested or proprietary right to water whatsoever. Neither the District nor its customers have the right to make a succession of uses of water furnished by Denver Water, and upon completion of the primary use, all dominion over the water furnished by Denver Water shall revert completely to Denver Water in accordance with the terms of water service agreements between Denver Water and the District.

f. District Authority. Notwithstanding the issuance of a permit, the District reserves the full power and authority to determine all matters concerning the control and use of water from the District's water system.

g. Use of Potable Water for Decorative Outdoor Fountains. To conserve and protect the District's potable water supply, decorative outdoor fountains using potable water and located on property used for non-residential purposes shall recycle water within the fountain. If such a fountain is connected to the District's water system, it must have an approved back-flow prevention assembly as required by the District's Engineering Standards.

h. Use of Potable Water for Lakes and Ponds. To conserve the District's potable water supply, potable water shall not be used for lakes and ponds with a surface area over one-half acre or with an estimated annual consumptive use of three acre-feet (one million gallons) unless:

- (1) no source of nonpotable water is available;
- (2) the Board of Directors determine that the use of potable water will not adversely impact the District's water system; and
- (3) potable water will be used only on a temporary basis

3.02 Types of Permits. The following types of permits may be issued by the District:

3.02.1 Standard Service Permit. The District will issue permits only for metered rate service, except for temporary permits under Rule 3.02.2, fire protection service permits under Rule 3.02.4, and hydrant use permits under Rule 12.04. Permits are not issued for private systems, although such systems may receive water pursuant to contract.

a. Activation. Any permit for metered service must be activated within one (1) year from the date of the permit. Failure to activate as required will result in cancellation of the permit under Rule 3.06.3. Activated service occurs when all of the following conditions have been satisfied:

- (a) All fees and charges have been paid.
- (b) The tap to the water main has been made and the meter pit, if required, has been installed.
- (c) The service line has been installed between the water main and the meter.
- (d) A meter has been set and installed in accordance with these Rules and Regulations, and the meter and service line have been inspected and approved in accordance with the District's Engineering Standards in effect at the time of inspection.

(e) All necessary backflow prevention devices and pressure reducing valves have been installed.

b. Water Conservation Limitation. If the permit application involves a permitted premises of one acre or more, irrigation of turf, use of a decorative water feature, or the filling of a lake or pond, the applicant must also comply with the requirements of Section 13 of these Rules and Regulations.

c. Unauthorized Turn On. No person other than an employee or designated representative of the District may activate or turn on water service. The District may institute appropriate legal proceedings in the event of an unauthorized activation of water service.

### 3.02.2 Temporary Permit.

a. Temporary permits for limited periods of time, not to exceed three (3) months, may be issued by the District for special purposes which include, but are not limited to:

- (1) Construction water, which may include service to temporary buildings.
- (2) Temporary irrigation permits.
- (3) Special events which may require the use of water for a limited period of time.

b. Unless renewed, temporary permits expire and water service thereunder is discontinued at the end of the period specified in the temporary permit, at the expense of the permittee.

c. The District may require a meter to be installed to measure water used under a temporary permit and water will be billed as determined by the District for any water used under a temporary permit.

### 3.02.3 Stub-In Permit.

a. A stub-in permit may be issued by Denver Water to allow installation of a service pipe prior to setting a meter. Issuance of a stub-in permit is contingent upon payment of all applicable fees required by Denver Water. A stub-in includes a tap, a curb stop at the property line and all fittings and pipe necessary to extend the service pipe from the tap on the water main to the curb stop. Use of water from a stub-in is prohibited. Any use of water from a stub-in shall cause the permit to be canceled. [] Issuance of a stub-in permit by Denver Water does not guarantee that water service will be activated to the premises nor does it give any preference for standard service. Stub-ins are valid only for the time period stated on the stub-in permit and any extensions granted by Denver Water.

b. Failure to convert the stub-in to a permit for metered rate service and to pay the then current Tap Fee, System Development Charge as required under Rule 3.04.2d, and any Participation Charge required under Rule 3.04.3, shall result in cancellation of the

permit and, at the discretion of Denver Water or the District, disconnection of the stub-in at the water main.

c. In the event it becomes impossible for Denver Water to meet its agreement to furnish water as set forth in water service agreements between Denver Water and the District, and Denver Water has given notice in writing of such impossibility, or the District for any reason is unable to furnish water from the District's water system, no stub-ins may be activated except upon the receipt of a tap allocation or other means of authorization approved by the District.

#### 3.02.4 Fire Protection Service Permit.

a. A permit may be issued to take and use water from the District's water system for private fire protection service; however, the District shall assume no obligation for the adequacy of private fire protection service.

b. Water taken from a private fire protection line or private fire protection facilities under a fire protection service permit may be used only for fire suppression. Any other use of water, except routine testing, from a fire protection line or fire protection facilities shall be an unauthorized use of water, which may result in the permit for metered service to the premises being suspended or cancelled.

c. No permit shall be issued for unmetered fire protection service unless the fire protection service is to be supplied through a separate service line. If the water for fire protection is to be supplied through the same service line through which water is supplied for other purposes, then a permit for metered service shall be required and all water use shall be metered.

#### 3.02.5 Hydrant Use Permit. See Rule 12.04.

### 3.03 Requirements for Obtaining a Permit.

#### 3.03.1 General Requirements.

a. Eligibility. To receive a permit for water service, the premises must be eligible for service from the District as specified in Rule 3.01.1. If requested by the District, the applicant shall furnish satisfactory evidence that the premises is eligible to receive water service from the District in the form of a tax receipt or certificate in lieu thereof issued by and signed by the County Treasurer.

b. Water Main Accepted. No permit shall be issued, including those for stub-ins, or Tap Fee accepted, until (1) the water main on which the tap will be installed to serve the particular premises has been approved for use by the District and (2) the appropriate agency has tested and approved the use of the water main as evidenced by a certificate of acceptance issued by that agency.

c. Separate Permits. Each independent structure requiring water service, whether or not under common ownership, shall be individually permitted, tapped, and metered,

unless the District, in the exercise of its reasonable discretion, determines that other means are more suitable. For the purpose of this Rule, structures shall be considered to be independent if they do not have a common foundation, walls, and roof.

d. Single Tap for Each Permit. Each permitted premises or structure shall be served by a single tap unless the District determines that other means are more suitable.

e. Required Information. A permit shall be issued only upon completion by the applicant or the applicant's agent of a permit application form providing the following information:

(1) A description of the premises to be served under the permit by reference to a land survey, or recorded plat acceptable to the District.

(2) A statement of the purpose for which the water is to be used.

(3) An acknowledgment and agreement by the permittee that use under the permit must be as limited and defined by the permit, water service agreements between Denver Water and the District, the District's Rules and Regulations, Denver Water's Operating Rules, and the District's Engineering Standards.

(4) The name of the person who is authorized by the applicant to install the service pipe to the premises to be served under permit.

(5) An agreement on the part of the applicant to pay a Tap Fee, a System Development Charge, any applicable Participation Charge, and such other rates, tolls, fees, charges, or combinations thereof as are required by water service agreements between Denver Water and the District or established by the Board of Directors.

(6) An agreement that any charge due is a charge against the premises and that water service may be discontinued whenever any charge is past due.

### 3.04 Fees and Charges.

3.04.1 General Requirements. The provision of water service by the District shall not require extension of its facilities beyond those currently existing. Any required extension, modification, replacement or relocation shall be at the expense of the applicant for a permit or the person requesting such change to the District's facilities.

### 3.04.2 Tap Fee, System Development Charge, and Participation Charge.

a. Payment of Tap Fee, System Development Charge, and any Applicable Participation Charge. No permit for water service will be issued by the District without prior payment of a Tap Fee, System Development Charge, and any applicable Participation Charge unless (1) the permit is a temporary permit under Rule 3.02.2, or (2) the permit is a fire protection service permit under Rule 3.04.4, or (3) the permit is a hydrant use permit under Rule 12.04.

b. When the Tap Fee Is Charged. Subject to the exceptions set forth in Rule 3.04.2a, a Tap Fee shall be charged as follows:

- (1) Upon issuance of a permit, or
- (2) Before conversion of a stub-in to a permit for metered rate service.

c. Schedules of Tap Fees. Schedules of Tap Fees are established from time to time by the District.

d. Deferred Tap Fee. A stub-in permit may be issued by Denver Water under Rule 3.02.3 without payment of a Tap Fee. To convert a stub-in permit to a permit for metered rate service, the permittee must pay the Tap Fee, the System Development Charge, and any applicable Participation Charge in effect at the time of the conversion.

e. Charges for Replacement, Enlargement or Reduction of Taps. In the event a connection to a permitted premise must be replaced, enlarged, or reduced, the District will calculate and charge (or credit) an amount equal to the difference, if any, between the Tap Fee and the System Development Charge for the replacement, enlarged or reduced connection(s) and the charge applicable or which would have been applicable to the service disconnected, utilizing then current Tap Fee and System Development Charge schedules, provided that application for a replacement, enlarged, or reduced connection is made within the time period before the existing permit is canceled or voided under Rule 3.06.3. The connection to be used for credit must be physically disconnected from the main. If the service under a stub-in permit has never been activated, no credit will be allowed and the request will be processed pursuant to Rule 3.02.3. The credit for disconnected service will be allowed only to the premises upon which the disconnected connection was installed. Credit shall not be allowed unless the replacement, enlarged, or reduced connection is permitted to serve a premises which incorporates all or part of the area or which is entirely contained within the area legally described in the original permit. No refund shall be made under any circumstances, nor shall any credit be allowed, exceeding the Tap Fee and the System Development Charge for the new connection(s). For all taps cut off and reused for credit, all credits must be used within five (5) years of the original tap being cut off or the unused credit will be forfeited.

### 3.04.3 System Development Charges and Participation Charges.

a. Applicants for service from the District, as a prerequisite to service, are required to pay a System Development Charge and any applicable Participation Charge for any new taps issued as such System Development Charges and Participation Charges are determined from time to time by Denver Water.

b. The District will not issue a permit for metered service until the applicant has paid the System Development Charge and any applicable Participation Charge to Denver Water.

3.04.4 Temporary Permit Charge. To secure water service under a temporary permit, the applicant shall:

- a. Comply with all conditions imposed by the District which are necessary to prevent injury or waste of water and to secure payment to the District of all sums due to it on account of the issuance or use of the temporary permit.
- b. Specify the period of time during which use of water under the temporary permit is proposed, not to exceed three (3) months.
- c. If required by the District, deposit with the District a sum adequate to secure payments likely to become due by reason of exercise of rights granted by the temporary permit and to cover the cost of disconnecting the temporary service line after the expiration of the permit. A bond satisfactory to the District may be used in lieu of cash.

3.04.5 Hydrant Use Permit. See Rule 12.04.

3.04.6 Water Main Extension Cost. To facilitate the development of an integrated water system that can accommodate future requirements, the District may require an applicant for water service or any person requesting any modification to the District's water system to install, at the applicant's expense, extensions, modifications, replacements or relocations to the District's water mains, up to 20 inches in diameter, which are larger than the applicant's individual requirements.

3.04.7 Cost of Service Lines. The costs for all materials and labor required to connect the permittee's premises to the water main shall be paid by the permittee. Such costs typically include, but are not limited to, labor charges, corporation stop, service insulator, roundway, stop box, water meter, remote meter reading devices, and service pipe.

3.04.8 Unauthorized Use. Unauthorized use of water shall mean any use that occurs without a proper permit, or is contrary to the terms of the permit, or would result in water being delivered without being properly metered or results in the waste of water. Any unauthorized use of water shall be paid for at the same rate as if that use had been authorized, together with the costs incurred by the District to discover and collect for the unauthorized use (minimum charge of \$50). Any unauthorized use of a permit during a drought as declared by Denver Water will be subject to the penalties established by the Board of Directors, depending on the severity of the drought. Such payments shall not in any way affect the right of the District to suspend or revoke a permit for unauthorized use or charge additional penalties or pursue such other remedies as may be authorized by law or approved by the Board of Directors. Nor shall it affect any criminal liability which may have attached by reason of such unauthorized use.

3.04.9 Use of a "Jumper" Prohibited. The use of a "jumper" to prevent water from being properly metered is prohibited and will not be authorized by the District. Use of an unauthorized "jumper" will result in the assessment of a penalty by the District in the amount of one hundred and fifty dollars (\$150) against the owner of the permitted premises.

3.05 Consolidation of Taps and Credits. Whenever redevelopment results in the elimination of two or more existing taps serving a site where one or more new buildings will be located, the



District shall determine the dollar amount of Tap Fee credits and the District or Denver Water shall determine System Development Charge credits in compliance with Rule 3.04.2e, provided that:

- a. Credits for existing taps for calculation of Tap Fees and System Development Charges may not be transferred across an existing dedicated street or right-of-way.
- b. Tap Fee and System Development Charge credits for the existing taps may be used anywhere within the District's Service Area, provided the area is otherwise eligible for service pursuant to Rule 3.01.1.

### 3.06 Suspension, Revocation and Cancellation of Permits.

#### 3.06.1 Suspension of Permits.

a. Cause for Suspension. Any permit to use water may be suspended by the District without obligation to refund or repay any consideration which may have been received for the issuance of such permit, for any of the following reasons:

- (1) Failure to pay when due proper charges for water delivered or failure to pay any other fees or charges relating to the provision of water service to the permitted premises.
- (2) Use of water for purposes or on property not authorized by the permit.
- (3) Failure to comply with any of these Rules and Regulations, applicable rules and regulations of the Colorado Department of Public Health and Environment, or applicable city or county ordinances relating to drinking water.
- (4) Maintaining unauthorized cross connections within the piping systems of any premises.
- (5) Any unauthorized use of water, including failure to have a functioning accessible water meter.

b. Notice of Suspension for Non-Payment. When the District believes there exists reasonable cause for suspension for non-payment in accordance with Rule 3.06.1a (1), the District will give notice in writing of such finding and will request that payment be made prior to the effective date of proposed suspension as set forth in such notice. The District shall mail a copy of the notice to the premises and to the agent or owner billed for the service. If the tenant occupant has notified the District of the name and address of the landlord, pursuant to Rule 3.06.1b (3), the District shall also provide notice to the landlord. The notice of proposed suspension shall include the following:

- (1) The effective date of the proposed suspension, which date shall be no sooner than seven (7) days following the date of the notice.
- (2) The reason(s) for suspension.

(3) An advisory that the owner and/or occupant is entitled to a review of the proposed suspension pursuant to Section 14 of these Rules and Regulations and may request such a review by contacting the District within seven (7) days from the date of the Notice of Proposed Suspension. The review shall be for the purpose of determining whether reasonable cause exists for suspension of service and, if such cause exists, whether suspension should be undertaken in the particular case, with due consideration for such extenuating circumstances as may exist.

(4) The telephone number to be called to request such a review.

c. Notice of Suspension for Reasons Other than Non-Payment. When the District believes reasonable cause exists for suspension of a permit for any of the reasons enumerated in Rule 3.06.1a (2) through (5), the District shall provide written notice of such proposed suspension prior to suspension unless the cause for suspension poses an immediate threat of harm or damage to property or the public health, safety or welfare, or is an unauthorized use of water, in which event every reasonable effort will be made to contact the owner of the premises involved at the time of suspension. The notice of proposed suspension for any of the reasons enumerated in Rule 3.06.1a (2) through (5) shall in no event be less than 24 hours, except in the event of emergencies as described above. The notice shall be mailed as provided in Rule 3.06.1b and shall contain the following information:

(1) The effective date or time of the proposed suspension.

(2) The reason(s) for suspension.

(3) An advisory to the owner and/or occupant that if they have questions about the proposed suspension, they should contact the District prior to the effective date of the suspension. The owner and/or occupant may request a review of the suspension by submitting a complaint pursuant to Section 14 of these Rules and Regulations. Service will not be suspended until a review of the complaint has been completed. However, if the cause for the proposed suspension involves waste of water, unauthorized use of water or the endangerment of the public health, safety or welfare, as determined by personal observation by the District's employees, the service may be suspended during the pendency of the review. If the owner and/or occupant deposits \$100 cash with the District (which will be forfeited if it is again determined by personal observation of the District's employees that water is being wasted or the public health, safety or welfare is threatened during the pendency of the hearing), service may be allowed to continue through the review and appeal process.

d. Suspension of Water Service.

(1) Suspension for Non-Payment. Review of proposed suspensions of permits for non-payment under Rule 3.06.1b shall be conducted in accordance with the provisions of Section 14 of these Rules and Regulations. In the event the payment

is not received as demanded in the notice and no review is requested within the time period and in the manner specified in the notice, service will be suspended immediately upon expiration of notice period. If, as a result of the review, it is determined that reasonable cause exists for suspension and that the suspension should be undertaken in that particular case, water service may be discontinued unless a written request for review is submitted to the Board of Directors pursuant to Section 14 of these Rules and Regulations, but water service shall not be discontinued sooner than seven (7) days after the date of mailing of the decision by the Manager or, in the event a written request for review is filed with the Board of Directors, sooner than seven (7) days after the decision by the Board of Directors if made orally or seven (7) days after the mailing of the decision by the Board of Directors if made in writing. Employees of the District are hereby authorized to effectuate such suspension of water service in accordance with the decision of the Manager or the Board of Directors by turning off the water supply to the premises.

(2) Suspension for Reasons Other Than Non-Payment. Water service will not be suspended until the review process and any appeal under Section 14 has been completed, unless the cause for the proposed suspension involves waste of water, unauthorized use of water or a threat to the public health, safety or welfare, as determined by personal observation by the District's employees, in which case water service may be suspended during the pendency of the review or any appeal.

(3) Reinstatement of Suspended Permit. A suspended permit may not be reinstated, and water service may not be resumed at a premise previously supplied under a suspended permit unless and until payment as set forth in the Notice of Proposed Suspension has been made, or, if suspension is for violation of Rule 3.06.1a (2) through (5), until such time as corrective action is taken. The cost of suspension and reinstatement, and special charges for the resumption of service to be determined by the Board of Directors, shall be paid prior to reinstatement of water service to the premises.

3.06.2 Revocation of Permits. The District may revoke any permit when repeated, deliberate or willful violations of the conditions of service, including failure to have a functioning accessible water meter, or of these Rules and Regulations have occurred at the permitted premises. If a permit is revoked, the District shall have no obligation to refund or repay any fees and charges or other consideration which may have been received in connection with the issuance of the permit or use of water thereunder.

a. Notice and Review. Prior to revoking any permit, the District shall send notice to the owner and/or occupant in conformance with the provisions of Rule 3.06.1b. Review of proposed revocations shall be conducted under the provisions of Section 14 of these Rules and Regulations.

b. Suspension of Water Service. The District's employees are hereby authorized to suspend water service to any premises whose permit has been revoked, but not until the review process and any appeal under Section 14 has been completed. When a permit has

been revoked, the service connection may be cut off at the main. Such premises shall not thereafter be served with water unless and until a new permit for service at such premises shall have been issued. No such new permit shall be issued unless and until the applicant shall have complied with such conditions of service, including, but not limited to, the payment of the cost of revocation and of special service fees as are reasonably calculated to prevent the recurrence of the kind of violations which caused the revocation of the previous permit.

### 3.06.3 Cancellation.

a. If water service to premises permitted pursuant to Rule 3.02.1 is not activated within one (1) year from the date of the permit, the permit will be void. At the discretion of the District, the tap and service may be disconnected at the main at the expense of the permittee. Costs of disconnection and administration will be deducted from any Tap Fee or other deposit previously paid in connection with the issuance of the permit. The District will, upon request, refund the balance of any Tap Fee paid, to the permittee or the permittee's successor, at any time within two (2) years from the date of the permit. No refunds will be made after two years from the date of the permit. However, no Tap Fee will be refunded unless and until the tap has been disconnected from the water main at the permittee's expense or a stub-in permit has been issued by Denver Water for the tap.

b. If a stub-in is not converted to a permit for metered rate service within the date specified on the stub-in permit or otherwise specified by Denver Water, the stub-in permit shall be void. At the discretion of the District, the service may be disconnected at the main.

c. If a stub-in which has been converted to a permit for metered rate service has not been activated within one (1) year of the conversion date, the permit shall be void. At the discretion of the District, the service may be disconnected at the main.

d. If any permit for which water service has been activated is not used for a period of one (1) year, the permit shall be void. At the discretion of the District, the tap and service may be disconnected at the main. For purposes of this section, "not used" shall mean that for twelve (12) consecutive months, either no water service has been provided or no revenue has been generated. Payment of charges incurred before the date of suspension of the service shall not be considered as generation of revenue. No refund of the Tap Fee, System Development Charge or Participation Charge shall be made for a permit voided under this section. In order to restore service to a premise previously served by a voided permit, a new permit must be applied for and the following payments must be made:

- (1) All charges due against the property;
- (2) Costs of reactivation of the tap, if necessary; and
- (3) The difference between the then current Tap Fee, System Development Charge and any applicable Participation Charge and the Tap Fee, System Development Charge, and any applicable Participation Charge previously paid or

the full Tap Fee, System Development Charge and applicable Participation Charge shall be paid as determined by the District and Denver Water.

3.07 Unauthorized Possession of A Hydrant Wrench or Shut-Off Key. No person, other than those authorized by the District, shall have in his or her possession a hydrant wrench or valve shut-off key within the District's Service Area, and any police officer or employee of the District or personnel of a fire protection agency are hereby authorized to file a sworn complaint with the appropriate court requesting that a summons issue and a warrant be requested for the arrest of a person in unlawful possession of a hydrant wrench or valve shut-off key.

#### **SECTION 4 - RATES AND BILLING PROCEDURES**

4.01 Meter Rate Service. All water use at a permitted premises under a standard services permit must be metered and shall be charged by the District pursuant to the schedules for water service then in effect. The Board of Directors will periodically establish meter rate schedules for the various types of metered customers served. Billing charges will be calculated on the basis of the amount of water used and the appropriate rate schedule. Metered rate charges are due and payable upon issuance of the bill therefor. Metered rate schedules will consist of one or more of the following elements:

- a. Consumption Charge. A charge based solely upon the amount of water delivered to the permittee during the billing period calculated according to the appropriate rate schedule for such service.
- b. Base Charge. A charge used in the recovery of the District's costs for billing, collection, meter reading, fire protection, and a portion of the maintenance of the District's water system. Once water service has been activated, a base charge shall be assessed when included in a rate schedule, whether or not water is delivered to the permitted premises during a billing period.

4.02 Fire Protection Service. The Board of Directors will periodically establish a rate schedule for unmetered fire protection services. Any fire protection service which is provided through a meter shall be charged according to the rate schedule established by the Board of Directors for metered fire protection service. Fire protection services will be billed annually in January of each year.

4.03 Payment Responsibility. Bills for water service will normally be sent to the address of the permitted premises directed to "owner or occupant" unless the District receives a request that billing be sent to an address other than the permitted premises. The permittee, the owner of the permitted premises, and the occupant of the premises are jointly liable for the payment of charges. Mailing of a bill for water service to an address other than the permitted premises shall in no way affect the power of the District to enforce payment of charges by discontinuing service to the premises at which the charge arose. No water shall be furnished to any premises against which any charge remains unpaid (except as noted later herein). It is a requirement of the District that whoever seeks water service must assume the obligation to keep such permit in force by paying all charges against the permitted premises. Charges include any fee, rate, toll, or

penalty relating to the provision of water service to the permitted premises. Until paid, all charges, fees, rates, tolls, or penalties, shall constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the manner provided by law. For those premises against which bankruptcy or other legal actions are pending or filed, the District will abide by the law and orders of the court.

4.03.1 Seller and Buyer's Responsibility. The District assumes no responsibility for agreements between sellers and purchasers of permitted premises for the payment of fees and charges. It shall be the responsibility of the purchaser of the permitted premises to ascertain whether fees and charges have been paid by the seller.

4.04 Special Condition - Common Service (Existing). Where two or more independent structures are supplied through a common service pipe, only one bill, comprising all charges due under the permit, will be issued. Any diversity of ownership does not alter the terms of the permit. For example, if a charge is not paid when due, or if any user served through a common service pipe shall fail to comply with the terms of the permit, such default or failure is attributed to all users served through said common service pipe. No individual or entity receiving water at a permitted structure through a common service pipe who has complied with the terms of the permit shall have any other or different status than any other such recipient who has not complied. As a condition of service to all who receive water service under a single permit through a common service pipe, any act requiring or permitting a sanction to be imposed respecting such permit shall be deemed to be the joint act of all who are served through that pipe.

4.04.1 Common Service for Individual Units. An individual unit within an independent structure is not required to have a separate water service. If an owner of an individual unit within an independent structure requests a separate water service, all costs of providing separate water service shall be borne solely by the owner.

4.04.2 Separate Service Required. If a dispute arises between owners of individual units within an independent structure, or between owners of independent structures supplied through a common service pipe, regarding compliance with these Rules and Regulations or failure to pay charges due under the permit, separate water service may be required by the District. If the District requires a separate water service, it shall so notify the owner of the individual unit or independent structure affected by means of written or posted notice. Such notice shall provide that the owner must arrange for the installation of a separate water service within 20 days of such notice. If the owner of the individual unit fails to comply within the specified time, the District may, in its discretion, install the separate water service and bill the owner for the costs and expenses of such installation. If the owner fails within 30 days after billing to pay the costs and expenses of installation by the District, the District may suspend water service after proper notice under Rule 3.06 or assess a lien against the property pursuant to state statute.

4.05 Billing Frequency. Bills for water service will normally be issued for bimonthly periods of service unless the District determines that billing for monthly periods is feasible or specifically requires or permits individual permitted premises to be billed for monthly periods of service.

4.06 Delinquency in Payment of Charges. The failure to pay certain charges for water service in a timely manner shall result in assessment of a delinquency charge and may result in suspension of water service to the premises.

a. Timing of Delinquency. The due date for water service shall be at least 15 days after the billing date that appears on the billing statement. Charges for water service not received within two (2) days of the scheduled due date shall be delinquent.

b. Delinquency Charge.

(1) All consumption charges and service charges that become delinquent during a billing period or remain delinquent from a prior billing period shall be assessed a delinquency charge on the next billing statement of the account. No delinquency charge will be assessed on any account that is paid in full within five (5) days after the scheduled due date.

(2) The amount of the delinquency charge to be assessed against delinquent consumption and service charges shall be five (5) dollars or five percent of the amount due, not to exceed a total of twenty-five percent of the amount due, whichever is greater, and may be modified from time to time as the Board of Directors determines to be necessary, but not to exceed the amount permitted by state law.

c. Payment Plans. The District may grant permission to a customer to pay unpaid water charges pursuant to a specific schedule. To keep the payment plan in effect, the customer must make the plan payments as scheduled and also pay current water charges.

(1) Plan Payments Unpaid. If a scheduled plan payment is not made, the payment plan is considered void, and the remaining balance will become due and subject to delinquency charges and suspension of service for nonpayment under Rule 3.06, except that the effective date of the proposed suspension in Rule 3.06.1b (1) shall not apply and the effective date of the proposed suspension shall be no sooner than 24 hours following the date of the notice.

d. Suspension of Service for Delinquency.

(1) Whenever the billing statement of an account includes a delinquency charge or a past due amount, the entire amount of the bill, including delinquent charges, must be paid in full by the due date of the billing statement. If such payment is not made by the due date, a second delinquency charge shall be added to all unpaid consumption and service charges on the next billing statement, and suspension procedures may be initiated.

(2) Suspensions of service under this section shall be accomplished in accordance with the procedures in Rule 3.06.

4.06.1 No Authorization to Accept Payment At the Permitted Premises. The District's employees are not authorized to accept payment for water service at the permitted premises. In

any case in which the permit to use water has been suspended on account of nonpayment of a delinquent bill or delinquent charges or at the request of the customer, other than for an emergency not caused by negligence of the customer, the permit shall not be reinstated until the delinquency charges have been paid or the emergency is removed. The District's cost of reinstating the permit may be added to the next regular billing of the premises.

4.06.2 No Field Payments for Delinquent Bills or Charges. The District's employees will not accept payments at the permitted premises for delinquent bills or delinquency charges.

4.07 Account Adjustments. Accounts will be adjusted when error is made in the account, crediting payments, calculating charges and the like. In case an accounting adjustment is required by reason of some act or omission in connection with use of water at a permitted premises, an adjustment of charges will be made in a sufficient amount to clearly prevent that permitted premises from receiving service at the expense of other connectors to the water system.

4.07.1 Adjustment for Accidental Loss of Water. An adjustment not to exceed 50 percent of the excess water estimated to have been lost may be allowed when a leak occurs that was not reasonably discoverable by the customer. Any adjustment will be contingent upon proof that the leak has been repaired. Adjustments under this section will be limited to no more than one per licensed premises in any five year period.

4.08 Meter Adjustments. Billing charges on account of metered service will be adjusted when necessary and to the extent required to correct errors or prevent inequity.

4.08.1 Inaccurate Meter. If a meter shall have become inaccurate, water service may be charged for on an estimated consumption based upon previous consumption for the period during which it may appear such inaccuracy may have continued, but not to exceed two (2) years. The District will remove and test a meter upon the request of the customer and/or if it is suspected that the meter in question has become inaccurate. A meter removed and tested at the request of the occupant or owner of the permitted premises and found to be accurate shall be subject to special charges covering such costs as are reasonably incurred by the District to remove and test the meter. All such costs will be charged to the permitted premises.

4.08.2 Remote Reading Device. If a remote meter reading device has been installed at the premises and a difference in readings occurs between the remote reading device and the water meter installed inside the premises, billing charges shall be derived from the water meter reading.

4.09 Auxiliary Water Service. Auxiliary service may be obtained only if the applicant shall have entered into a special contract for such service with the District under such conditions as may be prescribed by the District. The rates and procedures for payment shall be set forth in the contract.

4.10 Special Service Fees. Where employees of the District perform special services for or at the request of an applicant or permittee or occupant, or where special services are performed at or in connection with permitted premises to establish compliance with these Rules and Regulations which the permittee or the occupant refuses or fails to perform, the District shall be reimbursed for such work by the applicant, permittee, or occupant, as the case may be.



However, upon failure of such person to pay, the cost of the work shall be charged to the permitted premises at which such work was accomplished. Reimbursement shall be in accordance with a standard schedule of special fees determined by the Board of Directors from time to time or according to actual cost of the services with respect to services not covered by said schedule.

4.11 Construction Water Charge. A non-refundable construction water charge shall be paid when the applicant for a new water service desires to have water service available at the premises for construction use prior to the time a meter may be properly set and protected from damage.

a. Payment of the construction water charge allows the premises to receive unmetered water service for construction use only until the service is activated, as provided in Rule 3.02.1a, or the permit for service has expired, whichever occurs first. Landscape irrigation is not considered construction use of water. Occupancy of the premises shall not occur until a meter shall have been installed. Occupancy prior to the meter being set shall constitute unauthorized use.

b. Should any person or entity desiring to pay a construction water charge be involved in previous unauthorized use of construction water, the District may, at its discretion, refuse to accept additional construction water charge payments until the District is fully compensated for past construction water charges for unauthorized use, may require a deposit, and may pursue such legal remedies as are available pursuant to state law or municipal ordinance.

4.12 Unauthorized Use Charge. Any charge imposed as a result of unauthorized use or diversion of utility service may be charged directly to the person responsible for the unauthorized use and, if not paid, may be added to the regular bill for service, including a penalty for unauthorized use determined by the Board of Directors.

## **SECTION 5 - WATER MAINS**

5.01 Ownership. Unless an agreement provides otherwise, all water mains located within the District's Service Area are owned by the District. In addition, the District may own water mains and other facilities located outside the District's Service Area that are part of the District's water system. Private systems located on or only serving permitted premises are the responsibility of the permittee and may be subject to regulation by the Colorado Department of Public Health and Environment.

5.02 Operation and Maintenance. The District operates and maintains all water mains, including all appurtenances, which it owns, whether located inside or outside the District's Service Area. Water mains which are damaged by the acts of individuals or entities other than the District will be repaired by the District at the expense of such individuals or entities. The District may also assess penalties established by the Board of Directors against any person who operates any valve or fire hydrant or modifies any portion of the District's water system without approval from the District. The District reserves the right at any time, without notice, to modify water pressure or shut off the water in its water mains for the purpose of making repairs,

extensions or for other useful or necessary purposes. No water user shall be entitled to damages, including loss of revenue, or to refund by the District on account of any modification, interference or termination of water service, however the same may occur.

5.02.1 Standards. All water mains owned by the District shall be operated and maintained by the District in conformity with the District's Engineering Standards and current policies.

5.03 Taps and Connections to Water Mains. Section 9 of these Rules and Regulations controls taps and connections.

5.04 Addition or Replacement for Large Services. If an applicant requests a new or increased service which, in the determination of the District, is large enough to impose a demand in excess of the capacity of the existing water main, it may be necessary to replace the existing water main with one of appropriate size and the full cost shall be paid by the applicant.

5.05 Extension, Modification, etc., of Water Mains. Water mains owned by the District may be extended, modified, replaced or relocated only with the specific permission of the District and at the expense of the applicant or the person requesting an extension, modification, replacement or relocation of an existing water main. Procedures for applying for water main extensions, modifications, replacements or relocations shall be established by the District and may be modified from time to time.

5.06 General Procedure for Extension, Modification, etc., of Water Mains.

- a. The applicant or the applicant's contractor will ordinarily install all water mains that are 20 inches in diameter and smaller.
- b. The District will ordinarily design and install all water mains that are larger than 20 inches in diameter.
- c. Notwithstanding these procedures, the District reserves the right to design and install water mains if it determines that doing so is in the best interest of the District or its customers.
- d. The applicant shall pay all costs for designing and installing water mains, including all appurtenances and fire hydrants, whether designed and installed by the applicant's contractor or the District. Upon completion of the installation of water mains, including all appurtenances and fire hydrants, the applicant shall convey the water mains, including all appurtenances and fire hydrants, to the District by deed or other means acceptable to the District after a one year warranty and a final inspection of the water mains, including all appurtenances and fire hydrants, by the District.
- e. The provision of adequate water and fire protection service may require that a water main extension be "looped", i.e. connected to more than one District water main. The District, in its sole discretion, shall determine the extent of looping required. The applicant shall pay the cost of such looping unless the District determines otherwise.

f. If the water main extension is to be installed by the applicant or the applicant's contractor, the applicant shall:

(1) Submit plans and specifications prepared by a registered professional engineer for the proposed installation, which plans and specifications must be reviewed and accepted in writing by the District and Denver Water prior to award of the contract and commencement of installation. The review and acceptance of the plans and specifications by the District and Denver Water shall not relieve the applicant or the applicant's contractor from any liability for design or installation of water mains.

(2) Pay all costs of plan review and inspection as determined by the District.

(3) For work to be performed by a contractor selected by the applicant, provide satisfactory insurance in the name of the District in an amount specified by the District. The District, in its sole discretion, may require that the contractor be pre-qualified and bonded to the District.

(4) If required by the District, post a bond with the District to cover the action of the water main contractor and any other contractor or sub-contractor working on the project, such as a sewer contractor, paving contractor, landscape contractor, or utility contractor.

g. Notwithstanding these procedures, the District reserves the right to design and install connections to its water mains at its discretion and at the applicant's cost.

5.07 Engineering Standards. Specific requirements for minimum design criteria, preparation of plans and specifications, and construction practices are prescribed in the District's Engineering Standards.

## **SECTION 6 - PLANNED DEVELOPMENT COMPLEXES**

6.01 Policy. This Section provides for the individual metering of independent structures situated within planned development complexes, with the objective of promoting the efficient operation of the District's water system and with the further objective of promoting public health, safety and welfare by providing appropriate conditions for the installation, inspection and maintenance of the water system in such complexes. Provisions of this Section are applicable to planned development complexes located within areas served with water from the District's water system.

6.01.1 Water Service. Water service to a planned unit development shall be extended to and within these complexes in accordance with the water main extension policy of the District.

6.01.2 Ownership. The District shall own, operate, and maintain water mains, including all appurtenances and fire hydrants, but excluding service lines, within a planned development complex upon such terms and conditions as may, from time to time, be prescribed by the

District. The installation of water mains, including all appurtenances and fire hydrants, within a planned development complex shall be governed by the procedures in Rule 5.06.

6.02 Approval of Plans. The applicant for water service to a planned building group, or to a planned unit development, shall submit to the District plans for the entire planned development complex, which plans shall contain estimated water demands for the entire complex and depict existing dedicated public streets, the proposed alignment, street cross sections and grades of all proposed dedicated public streets, easements and private streets and roadways, the specific location of all proposed buildings and special use areas, and a design of the proposed system. If the planned development complex is served by an existing water system, such system shall be mapped, plotted and delineated and then submitted to the District for review. The District and Denver Water shall review and accept or revise the proposed system and advise the applicant of the easement alignment which shall be required. Final approval of the plans shall be provided to the applicant in writing by the District after all requirements are met and all applicable fees and charges are paid.

6.02.1 Minimum Requirements. The minimum requirements for access by the District within a planned development complex are as follows:

- a. Easements within planned development complexes shall have a minimum width of 30 feet, unless the District allows a lesser width. The District shall have exclusive use of 20 feet thereof, except for right angle utility crossings.
- b. Topography and alignment of every easement and dedicated street shall be suitable for main installation, maintenance, replacement and repair according to the usual practices of the District in the employment of its equipment, expertise, and personnel in water main installations, maintenance, replacement and repair. All easements within planned development complexes shall be surfaced roadways and coincide with the alignment of the private vehicular ways. No obstruction to vehicular travel, including, but not limited to, trees, fences and structures, will be allowed to be constructed within the easement, and the boundaries of said easements must be delineated on the ground by sufficient permanent physical features to allow ready identification. The use of the easement surface for parking is not permitted.
- c. Water mains and easements shall be located in such a manner and extent to allow proper circulation and movement of water within the entire distribution system installed therein.
- d. Water mains and facilities, excluding service pipes, installed within a planned development complex shall be and remain the property of and under the supervision of the District no less fully than if located within a dedicated public street.
- e. All easements granted to the District shall be on the District's standard easement form.

6.03 Costs. All costs involved in providing the District with the easements required under this Section will be borne by the applicant proposing a planned development complex, and the District will undertake its portion of any work on such a complex only upon receipt of what it

deems a sufficient advance deposit to defray costs. The costs will include, but not necessarily be limited to, the following items:

- a. Surveys.
- b. Costs of review and approval by the District's legal counsel.
- c. Any mapping, drawing, or platting of necessary easements.
- d. Any necessary title work to create an unencumbered title in the District to the interests it must have.
- e. Any recording fees.
- f. Any permitting fees required by the county, city, fire protection or other agency.

6.04 Method of Connection. Water systems within planned development complexes shall be connected to the District's water system at a minimum of two (2) points and in such a manner as to provide for a looped interior system such that water could be supplied to any fire connection in the system from two directions, unless the District, at its sole discretion, determines that an alternate design will be sufficient.

6.05 Fire Hydrants. All fire hydrants installed within a planned development complex shall be of a manufacture approved by the District and shall be situate within an appropriate easement or dedicated right-of-way. Said hydrants shall be public hydrants and shall be operated and maintained by the District. The placement of said hydrants shall be approved by the fire protection agency responsible for protection of the area.

6.06 Metering. All independent structures situated in planned development complexes shall be individually permitted and metered unless the District determines that other means are more suitable in the operation of the District's water system. The District's definition concerning what constitutes an independent structure is set forth in Rule 3.03.lc. No services shall be interconnected behind meters except in such circumstances as the District, in its sole discretion, may deem necessary to provide maximum benefit to the District's water system

## **SECTION 7 - SERVICE PIPES AND APPURTENANCES**

7.01 Ownership and Maintenance. The service pipe and fittings through which a permittee receives water service from the District's water system shall be owned by and installed at the expense of the permittee, except as otherwise provided by these Rules and Regulations. The permittee shall be responsible for maintaining the entire length of the service pipe and fittings through which the permittee receives water from the District's water system from the corporation cock on the water main to the structure, provided that the District will provide repair services as described in Rule 7.04.1.

7.01.1 Leaks and Breaks. Leaks and breaks in the service pipe and fittings through which a permittee receives water from the District's water system shall be repaired by the permittee in a

timely manner. If satisfactory progress toward repairing a leak or break has not been accomplished within a reasonable time, the District shall shut off service to the permitted premises until the leak or break has been repaired.

7.02 Location and Installation. No connection between the District's water system and the water facilities of a permittee may be made except in a public street adequate to accommodate water works facilities or in a similar place to which the District has as free a right of access as it would have in a public street. All service pipes, valves, and appurtenances shall be installed at the cost of the applicant, as determined by the District, which shall prescribe such standards relating to the number, location, size and strength of pipes and the number, location, material, size and type of valves, as to provide for the District's control over the water supply to the premises.

7.02.1 Relocation. When the procedures of proper management, operation or maintenance of the District's water system require, the District may relocate the service pipe and fittings through which a permittee receives water service at the District's expense.

7.03 Unused Service Pipe. Any service pipe which has not been used for a period of one (1) year and for which the permit has been canceled may be cut off at the water main. (Also see Rules 3.06.3d and 9.06.) The District's personnel must inspect and verify any cut-off of the service pipe made by the applicant at the time said cut-off is accomplished and prior to any backfilling operations.

7.04 Maintenance. The maintenance and protection of the service pipe and fittings through which a permittee receives water service from the District's water system, including all fixtures and water-using appliances, are the exclusive responsibility of the permittee, except as set forth in these Rules and Regulations. The District is not responsible or liable for damage from any cause whatsoever to such pipes and fittings, fixtures, and water-using appliances, and no permittee is entitled to reimbursement for damages or payment of refunds by reason of pressure changes, leaking or defective pipes, or stoppage of the flow of water through the District's water system. The protection of water-using devices and systems which require limited or sustained water pressure or a continual water supply is the responsibility of the owner thereof, who shall provide suitable protective devices for such apparatus at the owner's expense.

7.04.1 Repair Services Available. The District will make available the following repair services to permitted premises located within the District's Service Area:

- a. Repair of leaks on service lines which have curb stops shall be performed by the District on that segment of the service pipe which lies between the water main and the outlet side of the curb stop. The owner shall repair leaks on the outlet side of the curb stop up to and including the tube nut which threads onto the curb stop on the outlet side and all other service line appurtenances from the outlet side of the curb stop to the structure.
- b. The District shall in no instance perform the repairs described in subsection a. of this Rule unless (1) the District has actual notice of the leak, and (2) the District determines that sufficient manpower and equipment are available to make such repairs.

c. The customer shall be responsible for all damage to persons or property which results from leaks on his/her service line, fittings, and other appurtenances, including the water meter.

d. Any repair services provided by the District under this Rule shall not include any responsibility for either the thawing of frozen service pipes or appurtenances, or repairs to stub-in connections installed to permit street paving.

e. The District's right to provide the repair services provided in this Rule 7.04.1 is not exclusive, and the District shall not be liable for any consequence of not providing such service.

f. The repair services described in this Rule 7.04.1 will be provided without cost to the customer only for those leaks that are attributed to normal wear and aging of the service pipe. Leaks that are caused by actions such as excavation, demolition, landscaping, etc., at the permitted premises by the customer or persons acting for or under contract with the customer are not included in the repair services provided by the District. The repair of such leaks is the sole responsibility of the customer.

7.05 Access to Property. Authorized employees of the District and its contractors shall be allowed free and unimpeded access at all reasonable hours to any building or premises where water is used for purposes of inspection, repair, meter reading, meter installation, maintenance, and replacement. All District employees and contractors shall carry an identification card containing a picture of the employee or contractor. Unless a District employee or contractor presents such an identification card, the employee or contractor need not be admitted to the premises involved.

7.06 Separation of Existing Service.

a. Upon divestiture of ownership of two (2) or more independent structures served by a common service pipe, a new water service shall be installed so that each structure receives service independent of the other, unless the District, in its sole discretion, determines that other means are more suitable in the operation of the District's system. The property owner(s) will be solely responsible for all costs for the disconnection of the common service pipe and installation of the separate water service(s).

b. If separate water service(s) is desired to individual units within an independent structure, as defined by Rule 3.03.1c., the property owner(s) will be solely responsible for all costs, Tap Fees, System Development Charges, any applicable Participation Charges, and all fees and charges applicable to a new water service for the installation of the separate water service(s).

## **SECTION 8 - CONTRACTORS AND PLUMBERS**

8.01 Authority. Only the owner of the premises or an authorized contractor shall execute an application for a permit or any application required by Denver Water to connect a service line to the District's water mains or do work in connection with water service lines or appurtenances

directly or indirectly connected or to be connected to the District's water system or to any privately or publicly owned extension or system attached thereto.

8.02 Definition - Authorized Contractor. For the purpose of this Section 8, an authorized contractor means a person authorized by the owner of the premises who:

- a. Is legally allowed to do the work and has all required licenses and permits required by the appropriate jurisdiction;
- b. Will comply with these Rules and Regulations and, as applicable, Denver Water's Operating Rules and the District's Engineering Standards; and
- c. Will pay all charges and assessments lawfully levied against him/her on account of his/her relationship to the District.

8.03 Authority of Authorized Contractor. An authorized contractor shall be authorized to install service lines and appurtenances, on new installations only, from the corporation cock on the water main up to and including:

- (1) The first valve downstream of the meter, for an inside meter setting, or
- (2) The first valve inside the structure, for an outside meter setting.

The tap and the corporation cock on the water main shall be installed by Denver Water.

8.04 Contractors' and Plumbers' Requirements.

8.04.1 Insurance. Contractors and plumbers doing work within the District's Service Area shall carry insurance in favor of the District that contains minimum limits for personal liability and property damage not less than the minimum amounts required by the City of Centennial for contractors and subcontractors performing work in the city. Certificates of insurance shall be filed with the District.

8.04.2 City or County Authorization. The contractor shall also file with the District a letter from the City of Centennial Public Works Department or County Commissioners, as applicable, authorizing him or her to work in the public streets and roads.

8.04.3 Roadway Compliance. All contractors or plumbers, or others doing work on any water main, service line, or facilities of the District's water system in the District's Service Area, shall comply with the applicable City, County, or State Highway Department regulations on excavation, backfill, compaction, and restoration of surfacing.

8.04.4 Workers' Compensation Insurance. Workers' Compensation Insurance shall be carried in accordance with the provisions of the Workers' Compensation Act of Colorado, as amended.

8.04.5 OSHA Compliance. All contractors, plumbers, and others doing any work on the District's water system in the District's Service Area shall comply with the Occupational Safety



and Health Administration (OSHA) regulations and any other State of Colorado safety requirements.

8.04.6 Standards and Specifications. All construction work and materials shall meet the standards and specifications of the District, the City, and the County, as applicable.

8.04.7 Permits, Fees, and Licenses. All permits, fees, and licenses shall be paid for by the contractor, plumber, or others doing work in the District's Service Area prior to the start of construction.

8.04.8 Excavation. All excavations for water service installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public or private property disturbed in the course of the work shall be restored in a manner satisfactory to the District. When rock is encountered during the installation of service lines, the contractor for the District will inform the District, and the extra charge for working in the rock will be billed directly to the applicant requesting the installation of the service lines.

8.04.9 Inspection Fees. All applicable inspection fees on construction required by the City, the County, the District, or the State Highway Department shall be paid by the plumber, contractor, or others doing work for the District.

8.05 Inspection Charges. There shall be an inspection charge of actual cost plus 20% chargeable to the applicant for service for inspection by the District for connections over (1.0) inch in size to the District's water mains.

8.06 Responsibility. No authorized contractor shall allow his/her name to be used by any other person directly or indirectly to obtain a permit or to do any work in connection with water service lines or appurtenances; provided, however, that an authorized contractor shall be allowed to sign an application for a permit and any application required by the District or Denver Water to connect a service line to the District's water mains on behalf of the owner of the premises if written documentation of such authorization is first tendered to the District's personnel. Plumbing work supervised by an authorized contractor may be performed by others, but all such work shall be at the sole responsibility of the authorized contractor. The authorized contractor will be responsible for obtaining or having in his/her possession all permits and/or licenses required by the jurisdiction in which the work will be performed.

8.07 Standards of Work. All work performed by an authorized contractor shall conform to these Rules and Regulations and, as applicable, Denver Water's Operating Rules, the District's Engineering Standards and local plumbing codes.

8.08 Notification of Water System Modification.

- a. Metered Services. No alteration or change shall be made to the meter, meter setting, meter seal, meter pit or that part of the service line and appurtenances located between the water main and the meter without having provided prior written notification to the District and affording the District an adequate opportunity to inspect said alteration or change for conformance with these Rules and Regulations. The customer or the

authorized contractor must notify the District immediately if the meter seal is broken or the meter is defective or leaking.

b. Water Mains. No installation, disconnection, abandonment, replacement, or alteration of any water main directly or indirectly connected to the District's water system shall be made or allowed to be made without notice thereof to the District, in accordance with plans therefore approved by the District, and affording the District adequate opportunity to inspect said work.

c. Violation. Violation of the terms of this section will render the authorized contractor liable to an assessment of the cost and damages to the District of such violation but not less than \$100. Failure to pay such penalty will lead to suspension of service to the permitted premises.

## SECTION 9 - TAPS

9.01 Authorized Persons. Notwithstanding the issuance of a permit, no connection may be made to any water main carrying water from the District's water system except as authorized by the District. All new taps through which service is provided by the District to a customer shall be made by Denver Water, unless Denver Water specifies otherwise.

9.01.1 Procedure. No tap shall be made to supply water service through a single service pipe for more than one permitted premises.

9.02 Service Line Required. No tap may be made to any water main carrying water from the District's water system until the service pipe with fittings and a meter, when required, shall have been installed.

9.02.1 Payment of Charges. A tap will be made only upon payment of a Tap Fee, a System Development Charge, and any applicable Participation Charge and all other assessed charges, unless a stub-in permit is issued by Denver Water and the payment of the Tap Fee, System Development Charge and any applicable Participation Charge is deferred under the provisions of 3.04.2d. Other assessed charges shall include payment for all fittings necessary to extend the service line to the curb stop at the property line. In cases where a stub-in is made for the purpose of installing service pipe(s) prior to the paving of streets, a meter need not be set until water is actually needed for use.

9.03 Payment Procedure. The applicant shall pay to the District (or to Denver Water if the District so directs) at the time of submitting an application for service, a sum which shall consist of the cost of materials and labor for the requested connection, the Tap Fee, the System Development Charge, and all other applicable fees and charges, including, if applicable, a Participation Charge.

9.04 Location of Main. The District will specify the main to be tapped at the time of application.

9.05 Notice. The licensed plumber or licensed water service contractor, after installation of a service line, shall make arrangements for tapping of the main not less than 24 hours before tap is to be made by Denver Water or the District.

9.06 Abandoned, Cancelled or Unused Taps. Any previously permitted or unused tap must be cut off at the water main before a permit for a new tap will be issued. All cut-offs must be inspected by the District and, at the discretion of the District, may be performed by the District at the applicant's expense.

## **SECTION 10 - METERS**

10.01 Ownership. Meters shall be owned by the permittee of the premises and installed by the District at the expense of the permittee of the premises served by such meters.

10.02 Purchase. To provide for accurate measurement of water flow, excellence of material and compatibility with the District's meter reading system, meters shall be supplied by the District at the expense of the permittee of the premises to be served by such meters. A request for the installation of a water meter shall be submitted to the District and a water meter must be installed before any water is used at the permitted premises, except for unmetered fire protection service permitted by the District.

10.03 Size and Type. The size, type and quality of all meters used shall be determined by the District to provide for accurate measurement of water flow, excellence of material and adequate flow rate under all anticipated conditions of use for each size meter. New meters will be supplied with a remote reading device, as determined from time to time by the District.

10.04 Combination of Meters. The District, in its discretion, may permit the installation of a combination of two (2) or more meters to serve a single distribution system on a permitted premise if the combined capacity is at least equal to the anticipated service demand of the premises served. Meters used in multiple settings must be of a like size, model and manufacture.

10.05 Location.

10.05.1 Accessibility Required. All meters, whether located in meter pits or inside buildings, must be located so as to allow the District unimpeded and non-hazardous access to the meter at reasonable times for reading, removal, inspection and replacement, and so that the entire supply of water to the premises will at all times be accurately measured. Meters must also be located so that the radio frequency signal from the automatic meter reading device can be obtained from a street or another location conveniently accessible to the District's meter-reading vehicles and equipment. If, at any time, an existing meter location does not conform to the standards enumerated in these Rules and Regulations, the installation shall be modified at the permittee's expense so that it does conform. Each water meter shall be properly sealed and equipped with a remote meter reading device as specified by the District.

10.05.2 Meter Pit or Inside Building. The specific location of meters installed at customer expense shall be designated by the customer, subject to the provisions of this section.

a. Meter Pit. All meters on services activated after January 1, 2007, shall be installed outside the structure being served, unless specifically approved by the District. Meters shall be installed in a frost proof meter pit or vault: (1) within the boundaries of a public street or in an easement as accessible to the District as a public street would be; or (2) in front of the premises to be served, either in the right-of-way or on the property of the premises, not more than five (5) feet from the property line and adequately protected from hazards and interferences. Meters may not be installed in paved areas without prior approval by the District.

b. Inside Building. With prior approval from the District, a meter may be installed at an easily accessible location inside a commercial or industrial building on the premises to be served, provided that there will be no reasonable possibility for water to be taken from the service line without passing through the meter. The location of the indoor meter shall be heated to prevent freezing, shall be adjacent to a floor drain, and shall not be obstructed. The meter shall be equipped with a remote type automatic meter reading device in accordance with the District's Engineering Standards.

10.06 Meter Setting Installations. Meter setting, meter pit materials, installations of meter pits, vaults or inside settings, and remote meter reading devices, shall be prescribed by the District in accordance with these Rules and Regulations.

10.07 Maintenance and Replacement. In order to provide for the accurate measurement of water, the District shall, at its cost, maintain against ordinary wear and tear, all meters which it reads for billing purposes. Meters in need of maintenance, testing, or replacement, including replacement to accommodate a new meter reading system, will be removed and repaired or replaced by the District. Meters will be replaced with a meter of appropriate size and type equipped with an automatic meter reading device, and upon installation the replacement meter shall be the property of the permittee of the premises served thereby. The timing of meter replacement and the extent of modifications required to accommodate the installation of a new meter is at the discretion of the District.

10.08 Extraordinary Damage. The permittee shall be financially responsible for any damage to, or loss of, his/her meter, including the automatic meter reading device, caused by vandalism, malicious mischief, theft, freezing, hot water, tampering, water hammer, or casualty other than ordinary wear and tear. When a meter has been damaged as a result of any such causes, the permittee shall bear the entire expense of removing, repairing, resetting and replacing the meter by the District.

10.09 Non-Conformity. When required for the proper management, operation, or maintenance of the District's water system, the District may, at its expense, relocate meters and automatic meter reading devices, or modify meter settings.

## **SECTION 11 – INTERCONNECTION AND CROSS-CONNECTION CONTROLS**

11.01 Interconnection Control-Separate Systems. The water from the District’s water system and water from unapproved sources shall be distributed through systems entirely independent of each other. Interconnection between such systems is prohibited.

11.02 Interconnections-Approved Systems. The District’s water system and approved systems may be interconnected under written agreement between the District and the owner of the approved system. The physical connection between the two systems shall be a swing connection, a removable spool, or other arrangement approved by the authority responsible for water quality and must conform to the District’s Engineering Standards.

11.03 Approved System-Definition. With regard to interconnections between systems, the term “approved system” shall mean any public potable water supply which has been investigated and approved by the District. Approved systems will be monitored regularly and approval may be withdrawn for good cause at the request of the District.

11.04 Cross-Connection Control. Any backflow into the District’s water system is prohibited. All devices which have an effect on inter-connection and cross-connection control shall be approved by the District and done in accordance with the District’s Engineering Standards.

11.05 Dual Supply Premises. A permit for water service will not be issued to serve premises supplied with an auxiliary water supply, unless the owner of such premises enters into an agreement, binding upon the owner and any successors, not to make or permit any cross-connection between the water supplied from the District’s water system and any other supply for or upon such premises.

11.06 Cross-Connections - Definitions. Definitions for all terms pertaining to cross-connections and cross-connection procedures and devices are as found in the District’s Engineering Standards.

11.07 Backflow Prevention Devices. No water service connection will be installed or maintained by Denver Water or the District unless the water supply is protected as required by the District’s Engineering Standards. Water service to any premise will be discontinued if a required backflow prevention device is not installed, tested and maintained, or if a backflow prevention device has been removed, or bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected. The customer’s system will be open for inspection at all times to authorized representatives of the District to determine whether cross-connections or other structural or sanitary hazards exist. When such a condition becomes known, the District will give notice in writing to the customer to install an approved backflow prevention device(s) at specific location(s) on his/her premises. If, within the specified time period after the giving of such notice, the customer has not completed the necessary remedial action, then the District will deny or immediately discontinue water service to the premises by providing for a physical break in the service line until the customer has corrected the condition in conformance with the District’s Engineering Standards. If an inspection determines that a condition may create a danger to the health and well-being of a water consumer, the District will deny or immediately discontinue service to the premises

without further notice by providing for the physical break in the service line until the customer has corrected the condition in conformance to the District's Engineering Standards.

## **SECTION 12 - FIRE HYDRANTS AND HYDRANT USE PERMITS**

12.01 Authorized Use. The only use for which water may be taken from fire protection facilities without a hydrant use permit is for extinguishing fires.

12.02 Placement and Control of Hydrants. Fire hydrants will be installed as required by the local fire protection agency or district. Hydrants become a part of the distribution system to which they are connected and are owned and maintained by the District in the same manner as other parts of the District's water system unless the District, at its sole discretion, allows permittee-owned fire hydrants.

12.03 Standard Location of Public Fire Hydrants. Location of fire hydrants shall be specified by the District consistent with the District's Engineering Standards and requirements of the fire protection agency or district responsible for protection of the area. The District will not install or relocate public fire hydrants at places different from those locations except under the following conditions:

- a. A physical obstruction which would prohibit the installation or use of a fire hydrant at that location.
- b. Relocation of a fire hydrant shall be approved by the fire protection agency or district responsible for protection of the area and the cost thereof paid by the party requesting the installation.

12.04 Hydrant Use Permit.

- a. Inside Willows' Read and Bill Contract Service Area.
  - (1) Water to be used for purposes other than extinguishing fires may be withdrawn from fire hydrants only if a permit authorizing the special use for which such water may be withdrawn shall have been issued by Denver Water and the District. Permits shall be valid only during the dates specified therein.
  - (2) Permits may be issued for specific hydrants or specific tank vehicles and may be limited to specific uses. Meters may be required for some uses.
  - (3) Charges for water used under such permits shall be calculated based on actual or estimated usage and further shall include such special administrative costs as are deemed appropriate. The current hydrant permit program requirements, standard charges and methods of calculation will be kept on file at Denver Water and the District.
  - (4) Employees of Denver Water and the District shall be permitted to examine such permit at any time it is in use.

(5) All connections to fire hydrants will have an approved back-flow prevention devices as required by the Denver Water Water Quality Section and the District.

b. Inside Willows' Master Meter Contract Service Area. Special hydrant uses may be permitted on the same conditions as in the Willows' Read and Bill Contract Service Area, but such permits shall be issued by the District only.

12.05 Unauthorized Use. Any use of water from a fire hydrant or sprinkler system, not for extinguishing fires or pursuant to a permit issued by Denver Water or the District, shall be deemed an unauthorized use and shall be subject to the penalties specified in Rule 3.04.8 and any remedies specified by the District for unauthorized use of water. Should an applicant for a hydrant use permit be involved in previous unauthorized use of a hydrant or sprinkling system, the District may, at its discretion, refuse future permits to that applicant until all penalties and costs under Rule 3.04.08 have been paid. Any unauthorized use may result in suspension of all permits issued to the particular permit holder.

### **SECTION 13 – WATER CONSERVATION**

13.01 Water Waste Prohibited. Water shall be used only for beneficial purposes and shall not be wasted.

13.01.1 Water Waste Defined. Prohibited water waste includes, but is not limited to:

a. Applying more water than is reasonably necessary to establish and maintain a healthy landscape. Routine watering of turf shall be limited to three days per week, except for watering for up to 21 days to establish new turf from sod or seed; and except for syringing golf course greens when necessitated by weather conditions.

b. Watering with spray irrigation between the hours of 10.00 a.m. and 6.00 p.m. during the period from May 1 to September 1, except for the following uses:

(1) Watering for up to 21 days to establish turf from seed or sod.

(2) Watering new plant material such as flowers, trees and shrubs on the day of planting.

(3) Watering essential to preserve turf subject to heavy public use.

(4) Operating an irrigation system for installation, repair or reasonable maintenance, so long as the system is attended throughout the period of operation.

c. Watering landscaped areas during rain or high wind.

d. Applying water intended for irrigation to an impervious surface, such as a street, parking lot, alley, sidewalk or driveway.

- e. Using water instead of a broom or mop to clean outdoor impervious surfaces such as sidewalks, driveways and patios, except when cleaning with water is necessary for public health or safety reasons or when other cleaning methods are impractical.
- f. Allowing water to pool or flow across the ground or into any drainage way, such as gutters, streets, alleys or storm drains.
- g. Failing to repair, for a period of more than ten business days after notice, leaking or damaged irrigation components, service lines or other plumbing fixtures.
- h. Washing vehicles with a hose that lacks an automatic shut-off valve.

13.01.2 "Water Use Restriction" Distinguished. These prohibitions on water waste are not related to drought response, insufficient water supply or system emergency and therefore do not constitute water use restrictions within the meaning of Denver Water's various water supply agreements and environmental permits.

## 13.02 Irrigation Uses.

### 13.02.1 Xeriscape.

- a. Definition. Xeriscape is a set of seven horticultural principles that combine climate-compatible vegetation and other techniques to conserve irrigation water.
- b. Policy. It is the District's policy to encourage Xeriscape landscapes throughout the District's Service Area. Prohibitions on the use of Xeriscape are contrary to public policy.

13.02.2 Irrigation of More Than One Acre. In order to extend the yield of the District's water supply and to encourage the efficient use of water, the irrigation of landscape of more than one acre may be subject to special review.

- a. Contiguity Not Required. "Open space of more than one acre" may include contiguous parcels or, in the discretion of the District, several non-contiguous parcels located in close proximity to one another.
- b. Raw Water. The District may require water service from raw water sources for irrigation of open space of more than one acre if the District determines, in its discretion that. (1) alternative raw water service can be made available by the District; and (2) the cost of raw water service is competitive with the cost of additional potable or recycled water supply and is financially practical.
- c. Potable or Recycled Water. Irrigation of open space of more than one acre with potable or recycled water will be permitted only after plan review and upon a finding by the District that the proposed landscape and irrigation design will use water efficiently in view of the intended uses of the open space. The District may require the use of recycled water rather than potable water if the District determines that recycled water is reasonably available.



13.02.3 Irrigation of Narrow Strips of Land. Spray irrigation of narrow strips of land almost inevitably results in water waste. Therefore, the following irrigation system and design requirements apply to irrigation of any strip of land less than 25 feet in width, including medians, parkways, traffic islands, parking lot islands and perimeters, rights-of-way along streets and other public or private areas along roadways.

- a. For strips of land less than 6 feet in width - Spray irrigation shall be prohibited. Low-flow irrigation systems are required.
- b. For strips of land between 6 feet and 15 feet in width - Only low-flow irrigation, or spray irrigation using low-angle spray nozzles designed for the specific width to be irrigated shall be permitted. All spray heads must be pressure reducing and designed to prevent low head drainage.
- c. For strips of land between 15 feet and 25 feet in width - Only gear-driven rotors with low angle nozzles may be used to irrigate turf areas. Planting beds may be irrigated with low-flow or spray irrigation. All spray heads must be pressure reducing and designed to prevent low head drainage.

13.02.4 Soil Amendment for Irrigation of Turf at Newly Licensed Premises. The setting and inspection of the meter, as required by Rule 3.02.1a(d) to activate the license, at a premises where landscaping will be irrigated, is contingent upon proof of proper soil preparation before installation of plant material. Proper soil amendment is the equivalent of adding compost at a rate of four cubic yards per 1,000 square feet of planted area, incorporated (rototilled) to a depth of six inches. This provision shall become effective August 1, 2008.

13.02.5 Rain Sensors Required. A functioning rainfall sensor, with a battery backup, capable of turning off an automatic clock controlled irrigation system is required on the following irrigation systems installed after January 1, 2008. A list of approved devices is available from the District.

- a. Irrigation systems connected to all irrigation-only taps, including those related to single family residential licensed premises.
- b. All irrigation systems connected to regular taps, except those serving single family residential licensed premises.

### 13.03 Industrial, Commercial and Public Use.

13.03.1 Best Management Practices. The District encourages all industrial, commercial and public use licensees to implement Best Management Practices (BMPs) for efficient use of water. A list of BMPs is available from the District.

13.03.2 Heating or Process Water. A water conservation device conforming to such specifications as may be required by the District, shall be installed on heating, processing or other industrial or commercial uses of water whenever the District determines in its discretion that recycling of the water without treatment is practical.

- a. Water Conservation Device. For purposes of this section, a water conservation device is any equipment, process or procedure whereby all water used for heating or processing is either consumed in the intended use, or is recycled for the same purpose until it is unusable.

13.03.3 Cooling. All evaporative or refrigerated cooling uses and air conditioning facilities that deliver water to a drain or other discharge facility without recycling or further use, are prohibited. This includes any equipment, process or procedure which relies upon the temperature of the water supply for cooling purposes.

13.03.4 Car Washing.

- a. Fleet Vehicles. Vehicles contained in commercial operations or fleets may be washed only by means of a car wash or washing equipment certified by the District.
- b. Commercial Car Washes. Commercial car washes are subject to a certification program that will require implementation of industry best management practices or achieve a 30% water savings as compared to a non-recycling car wash. Any commercial car wash that is not certified or in the process of becoming certified, shall be deemed to be in violation of this provision.

13.03.5 Commercial Power Washing. Commercial enterprises for which cleaning with water is an essential element of their business shall use only high efficiency equipment that uses 1.6 gallons per minute or less and is certified by the District.

13.04 Decorative Water Features. Decorative water features or similar water operating devices using potable or recycled water shall recirculate water within the device. Each device connected to the District's water system must have an approved back-flow prevention assembly as required by the District's Engineering Standards.

13.05 Lakes and Ponds. Potable water shall not be used to fill or maintain water levels in lakes and ponds with a surface area over one-half acre, individually or in aggregate, or with an estimated annual consumptive use of three acre-feet (one million gallons) unless.

- a. no other source of water is available, as determined by the District;
- b. the Manager determines that the use of water will not adversely impact the District's water system; and
- c. potable water will be used only on a non-recurring temporary basis.

13.06 Emergency Water Use Restrictions. If conditions of supply or quality so limit the water supply of the District's water system that unrestricted water use may endanger the adequacy of that supply or quality, the Board of Directors may by resolution adopt emergency water use restrictions. Emergency water use restrictions shall remain in force and effect until the Board of Directors determine that the conditions requiring their imposition no longer exist. The Board of Directors may also adopt such regulations and water use restrictions as are reasonably calculated under all conditions to conserve and protect the District's water supply and to insure a regular

flow of water through its water system. Water use restrictions that may be imposed during drought conditions are contained in Chapter 19 of these Rules and Regulations.

13.07 Enforcement. The owner or occupant of the permitted premises shall be responsible for complying with these Rules and Regulations and water use restrictions adopted by the Board of Directors. Those who violate these Rules and Regulations or water use restrictions will be subject to the penalties in force at the time of the violation, together with interest on the amount due, but not on any delinquency charge, at the rate set from time to time by the Board of Directors, not to exceed the maximum percentage rate permitted by state law. Penalties may include.

- a. In the event of a first violation, the owner or occupant will be advised in writing and informed that a monetary charge will be added to the water bill for subsequent violations.
- b. In the event of a second violation at the same premises, the owner or occupant will be advised in writing, and a \$50 charge may be added to the water bill.
- c. In the event of a third or any subsequent violation at the same premises, the owner or occupant will be advised in writing, and a \$100 charge may be added to the water bill.
- d. Continuing waste of water or willful violation of the District's Rules and Regulations or restrictions is cause for temporary suspension of the permit.

13.07.1 Enforcement During Drought Conditions. During a drought response program implemented under Section 19 of these Rules and Regulations, water waste may be deemed a drought violation and penalized as provided in that section.

## **SECTION 14 – REVIEW AND APPEAL PROCEDURES**

14.01 Application of this Chapter. The review and appeal procedures established by this Section 14 shall apply to all complaints concerning the interpretation, application or enforcement of these Rules and Regulations. The review and appeal procedures established by this Section 14 shall not apply to the following complaints:

- a. Complaints arising out of the interpretation of the terms of the District's contracts.
- b. Complaints which arise with regard to personnel matters, which complaints shall be governed exclusively by the District's Personnel Policy and Procedures Manual as the same may be amended from time to time.
- c. Any other complaint which does not concern the interpretation, application, or enforcement of these Rules and Regulations, Denver Water's Operating Rules or the District's Engineering Standards.

14.02 Initial Complaint. Complaints concerning the interpretation, application, or enforcement of these Rules and Regulations must be presented in writing to the Manager, except that

complaints regarding suspension for non-payment or billing problems may be submitted by telephone. Upon receipt of a complaint, the Manager shall conduct a review of the complaint, shall take such action as may be warranted and shall notify the complainant of the action taken by U.S. mail within 15 days after receipt of the complaint.

#### 14.03 Appeal to the Board of Directors.

14.03.1 Procedure. In the event the decision of the Manager is deemed unsatisfactory by a complainant, a written request for review may be submitted to the Board of Directors. Such request must be submitted within 15 days of the date of mailing of the decision of the Manager. Upon receipt of a request the Board of Directors shall review the decision of the Manager at the next meeting of the Board of Directors, provided that the request has been received at least ten (10) days prior to the next Board of Directors meeting. If the request is received less than ten (10) days prior to the next Board of Directors meeting, the Board of Directors shall review the decision at the next Board of Directors meeting that occurs at least ten (10) days after the request was received, unless the Board of Directors agrees to review the decision in less time. In the event the complaint involves a proposed suspension for non-payment, the complainant shall be provided with a statement of current account on the subject premises within a reasonable period of time prior to the Board of Directors meeting.

14.04 Notice and Procedures for the Board of Director's Review. A complainant shall be given notice of any review by the Board of Directors by U. S. mail at least seven (7) days prior to the date of the Board of Directors meeting, unless the complainant requests or agrees to a review in less time.

14.04.1 Rights of Parties. At the Board of Directors meeting to review a decision by the Manager, the complainant and representatives of the District shall be permitted to appear in person. The complainant may be represented by any person of his/her choice or by legal counsel. The complainant or his/her representatives and the District's representatives shall have the right to present evidence and argument. The Board of Directors may receive and consider any evidence which has probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

14.04.2 Evidence and Burden of Proof. The Board of Directors shall determine whether reasonable grounds exist to support the interpretation, application or enforcement of the Rules and Regulations which is complained of and, if such grounds exist, whether said interpretation, application or enforcement should be undertaken in the particular case, with due consideration for such extenuating circumstances as may exist. The Board of Directors decision shall be based upon the evidence presented at the hearing. The burden of showing that reasonable grounds exist to support the action shall be upon the District. The burden of showing sufficient extenuating circumstances shall be upon the complainant.

14.04.3 Decision of the Board of Directors. In making its decision, the Board of Directors shall consider all relevant information including, but not limited to, the following:

- a. The possibility of error, mistake, or faulty equipment;
- b. The complainant's credit history with the District;

- c. The magnitude of the amount due and the months of service represented by said amount;
- d. The point in time at which the complainant had actual knowledge of the existence of a delinquency or of the complained of interpretation, application or enforcement of these Rules and Regulations.
- e. These Rules and Regulations, Denver Water’s Operating Rules, the District’s Engineering Standards, or any relevant evidence submitted by the complainant or the District.

14.04.4 Timing and Notification of Decision. The Board of Directors may make a decision orally at the Board of Directors meeting or may make a written decision resolving the matter. If the Board of Directors makes a written decision, it shall provide the complainant with a copy of such decision by U. S. mail within 15 days after the date of the decision.

## **SECTION 15 – WATER SUPPLY AGREEMENTS WITH DENVER WATER**

15.01 Contractual Relationships. The District has entered into two types of water supply agreements with Denver Water. Each agreement states that water service provided under the agreement shall be governed by the Charter Provisions, Denver Water’s Operating Rules and Engineering Standards; provided, however, no future amendment and modification to Denver Water’s Operating Rules and Engineering Standards shall be binding on the District if it is inconsistent with the express terms of the agreements, unless the District has agreed in writing to be bound by such amendment or modification. In accordance with the agreements, neither the District nor its customers shall have the right to make a succession of uses of water furnished by Denver Water under the agreements; and upon completion of the primary use, all dominion over the water furnished by Denver Water under the agreements shall revert completely to Denver Water.

15.02 Types of Contracts.

- a. Water Supply Agreements. The District has entered into two types of contracts with Denver Water:
  - (1) “Read and Bill” Contract. The District owns and is responsible for construction, operation, maintenance, and replacement of its water system. Denver Water delivers water into the distribution system of the District and reads the meter of each individual customer in the Read and Bill Contract Service Area and bills each customer according to Denver Water’s “Read and Bill” Rate.
  - (2) “Master Meter” Contract. The District owns and is responsible for construction, operation, maintenance, and replacement of its water system. Denver Water delivers water to the District through one or more master meters and bills the District according to Denver Water’s “Wholesale Rate”. The District is responsible for reading the meters of its customers in the Master Meter Contract

Service Area and for billing its customers according to Water Rate Schedules established by the Board of Directors

## **SECTION 16 – PUBLIC RECORDS**

16.01 Enactment. This Section 16 has been adopted by the District, pursuant to the provisions of the Colorado Open Records Act (“Open Records Act”), C.R.S. § 24-72-201, *et seq.*, for the protection of the public records of the District and in order to permit their inspection by persons entitled to examine and copy the information therefrom in an orderly fashion and free from unnecessary interference with the regular discharge of the duties of the official custodian of the District.

16.02 Official Custodian. The Board of Directors shall designate the official custodian of public records of the District. The official custodian may make rules with reference to the inspection of the public records of the District, not inconsistent with the Open Records Act and these Rules and Regulations, as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the discharge of the duties of the custodian.

16.03 Inspection of Public Records. All public records of the District shall be open for inspection at the times designated herein, except as provided in the Open Records Act.

16.04 Request for Inspection. Request for inspection and for copies of any public records of the District shall be made to the official custodian in writing and set forth the particular documents or record desired to be inspected or copied. The records shall be available for inspection and copying within three working days of the request, unless the official custodian determines in writing that extenuating circumstances exist, in which case the records shall be available for inspection within seven working days of the request. If such document or record is available for inspection and copying, the official custodian will notify the applicant of the date, time and location where the material can be inspected or copied. If such public record is not available in the District, the applicant shall be promptly notified of this fact.

16.05 Times for Inspection. Inspection of the District’s public records shall be made at the District’s office during the hours from 9:00 a. m. to 4:00 p. m., Monday through Friday, except on holidays, at an hour specifically set by the official custodian for each particular request for inspection.

16.06 Copies, Printouts, or Photographs of Public Records. In any case where a person has the right to inspect a public record under the control of the official custodian, and requests in writing that the District furnish copies, printouts or photographs thereof, the official custodian shall notify the applicant if such record is available for copying, and may furnish such copies, printouts, or photographs for a fee which shall not exceed Twenty-Five Cents (\$.25) per standard page, or the actual cost of providing a copy, printout, or photograph of a public record in a format other than a standard page, unless the Open Records Act permits a higher fee to be charged, in which case the fee shall not exceed that permitted by the Open Records Act.

16.07 Requests Requiring Research or Retrieval. If an applicant requests public records of the District that require research or retrieval, the District may impose a fee of Thirty Dollars

(\$30.00) per hour for time expended conducting research and retrieval, unless the Open Records Act permits a higher fee to be charged, in which case the fee imposed shall not exceed that permitted by the Open Records Act. The District shall not impose a charge for the first hour of time expended in connection with the research and retrieval of public records.

16.08 Exemptions. No person shall be permitted to inspect or copy any records of the District if, in the opinion of the official custodian after consultation with the District's general counsel, such inspection or copying would come within the prohibition of one or more exceptions stated in section 24-72-204 of the Open Records Act.

## **SECTION 17 – RELOCATION OF THE DISTRICT'S WATER FACILITIES**

17.01 Public Rights-of-Way. The cost to relocate the District's facilities in public rights-of-way, when required by a county or any city or town to accommodate a public construction project of the county, city or town, or duly authorized street improvement district, shall be borne by the District, provided that the District's facilities are not located in a right-of-way which predates its dedication as a public right-of-way. The District's cost to relocate its facilities shall be proportionally reduced by any private, State or Federal funding for the project. The District may negotiate for such funding by the entity requesting the change.

17.02 The District's Property and Easements. The cost to relocate the District's facilities located within the District's property and easements shall be borne by the entity causing said relocation.

17.03 Utility Relocations. The cost to relocate the District's facilities in public rights-of-way necessitated by the construction of facilities of utilities such as, but not limited to, storm or sanitary sewer, telephone, electric, cable television, etc., shall be borne by the entity causing said relocation.

17.04 Costs of Relocation. The cost to relocate the District's facilities as provided herein shall include, but is not limited to, costs for survey, design, inspection, materials, construction, permits and licenses, transportation and administrative overhead.

17.05 Determination of Relocation of the District's Facilities. In all cases the necessity and extent of the relocation of the District's facilities shall be the determination of the District.

## **SECTION 18 – NONPOTABLE WATER SERVICE**

18.01 Nonpotable Water Service. Unless otherwise provided, all rules and regulations and standards pertaining to the use of potable water are applicable to non-potable water permits and service provided by the District. A permit to use nonpotable water may be issued to an applicant or existing potable water permittee as determined by the District. The determination of eligibility for nonpotable service will be based on the service desired and the availability of nonpotable water. Such determination shall be made in accordance with the standards for use of nonpotable water established by the State of Colorado. If nonpotable water service is determined to be suitable and available for an applicant or existing permittee of potable water, the District

may require such use or conversion of service. If nonpotable water is not available at the time of application, a permit for potable water service may be issued; but conversion to nonpotable service, when available, may be required at the applicant's expense. If a party requests conversion from one class of service to another (i. e., potable to nonpotable), that party shall pay all the costs incidental thereto, unless determined otherwise by the Board of Directors.

18.02 Fees and Charges for Nonpotable Water. Fees and charges applicable to nonpotable water service shall be adopted by the Board of Directors if and when nonpotable service becomes available from the District.

18.02.1 Use of Nonpotable Water within the District's Contract Service Area. The use of nonpotable water within the District's Contract Service Area by customers who have their own water rights or supplies is not prohibited, provided that nonpotable water may not be used for drinking water or household purposes and shall be in accordance with requirements of the District and the State of Colorado, including Rules 18.04 and 18.05.

18.03 Revocation. All use of nonpotable water shall be in accordance with requirements of the District and the State of Colorado. The District may assess special charges and/or revoke the permit for nonpotable water use for failure to comply with such requirements. As the result of a violation, the Board of Directors may require nonpotable water service to be converted to potable water service to protect public health. The water user shall incur all costs for conversion.

18.04 Nonpotable Water Interconnections. Interconnections between a non-potable water system and the District's potable system are expressly prohibited.

18.05 Marking of Facilities. All facilities used to provide nonpotable water service shall bear prominent and permanent markings to warn that the contents are nonpotable.

## **SECTION 19 – DROUGHT RESPONSE**

19.01 Application of Denver Water's Drought Response within the District. Water service furnished by Denver Water within the District's Service Area is governed by Denver Water's Operating Rules, including Chapter 15 of those Operating Rules. Under the water service agreements between Denver Water and the District, the District agreed to exercise its powers to assist Denver Water in enforcing the Operating Rules, but retained the right to make and enforce its own rules and regulations that are not inconsistent with Denver Water's Operating Rules, which may include separate penalty schedules. To comply with the water service agreements between Denver Water and the District, the District has adopted the Drought Response Plan adopted by Denver Water, as set forth in Denver Water's Operating Rules, as the same may be amended from time to time, and will enforce the Drought Response Plan as set forth in Rules 19.03 and 19.04.

19.02 Application of this Section. Denver Water has adopted a Drought Response Plan that provides a framework for addressing droughts. Four levels of drought severity have been defined, based on various drought indicators. The basic response to a Stage 1 drought is voluntary measures; to a Stage 2 drought, mandatory restrictions; to a Stage 3 drought, prohibitions on lawn watering; and to a Stage 4 drought, rationing. To adopt a particular drought



response, the Board of Water Commissioners declares a drought level and adopts an effective date for applicable restrictions. Because Stage 2, 3, and 4 drought restrictions are mandatory, they are incorporated into Denver Water's Operating Rules where they become enforceable upon a drought declaration pursuant to provisions in water service agreements between Denver Water and the District. Chapter 15 of Denver Water's Operating Rules contains the Operating Rules that apply during a Stage 2 or Stage 3 drought, as declared by the Board of Water Commissioners. Other aspects of drought response are contained in other documents such as administrative and enforcement guidelines. Operating Rules for a Stage 4 drought will be adopted by the Board of Water Commissioners as the need arises.

19.03 Enforcement of Stage 2 Drought Restrictions. The customer (owner or occupant of the permitted premises) shall be responsible for complying with Stage 2 drought restrictions, and also with the terms of any exemption granted under Denver Water's Operating Rules for the Stage 2 drought restrictions. Those who violate any of the Stage 2 drought restrictions will be subject to the following penalties:

- a. For a first violation of any Stage 2 drought restriction, the owner or occupant will be advised in writing and informed that a monetary charge will be added to the water bill for subsequent violations.
- b. For a second violation of any Stage 2 drought restriction at the same premises, the owner or occupant will be advised in writing, and a \$250 charge may be added to the water bill for Single Family Residential accounts and up to \$500 for all other accounts.
- c. For a third violation of any Stage 2 drought restriction at the same premises, the owner or occupant will be advised in writing, and a \$500 charge may be added to the water bill for Single Family Residential accounts and up to \$2,000 for all other accounts.
- d. For a fourth violation of any Stage 2 drought restriction at the same premises, for violation of any term or condition of an exemption granted under Denver Water's Operating Rules, or for willful violation of any drought restriction, the owner or occupant will be advised in writing, and a \$1000 charge may be added to the water bill for Single Family Residential accounts and up to \$2,000 for all other accounts. In addition, the District may install a flow restrictor on the service line that will remain in place during the irrigation season or may suspend service temporarily until the cause of the violation is corrected and all outstanding penalty and water service charges have been paid.

19.04 Enforcement of Stage 3 Drought Restrictions. The customer (owner or occupant of the permitted premises) shall be responsible for complying with Stage 3 drought restrictions, and also with the terms of any exemption granted under Denver Water's Operating Rules. Those who violate any of the Stage 3 drought restrictions will be subject to the following penalties:

- a. For a first violation of any Stage 3 drought restriction, the owner or occupant will be advised in writing and informed that a monetary charge will be added to the water bill for subsequent violations.

b. For a second violation of any Stage 3 drought restriction at the same premises, the owner or occupant will be advised in writing, and a \$1000 charge may be added to the water bill.

c. For a third violation of any Stage 3 drought restriction at the same premises, for violation of any term or condition of an exemption granted under Denver Water's Operating Rules, or for willful violation of any drought restriction, the owner or occupant will be advised in writing, and a \$1500 charge may be added to the water bill. In addition, the District may install a flow restrictor on the service line that will remain in place during the irrigation season or may suspend service temporarily until the cause of the violation is corrected and all outstanding penalty and water service charges have been paid.

19.05 Appeal Process. Any person subject to a charge for violation of drought restrictions may appeal the charge in writing as provided in Section 14; provided, however, that the customer must pay the water bill, including any charge imposed under Rule 19.03 or Rule 19.04, by the due date of the water bill. If the customer's appeal is approved, the disputed charge will be credited on the next water bill.