

BRUSH CREEK

METROPOLITAN DISTRICT

WATER SYSTEM RULES AND REGULATIONS

SECTION I. GENERAL REGULATIONS

1.1 Purpose. These Rules and Regulations shall provide for management and operation of the water systems of the Brush Creek Metropolitan District including additions thereto and will serve a public use and are necessary to promote the health, safety and general welfare of the inhabitants of the District. The Board shall review these Rules and Regulations yearly.

1.1.1 Effective Date. An edition of these Rules and Regulations shall be adopted effective January 1st of each year. In the event that the Board does not adopt an edition effective January 1st of any specific year, then the Rules and Regulations adopted effective January 1st of the preceding year shall remain in full force and effect until amended, revised or repealed.

1.2 Definitions. The following terms, as used herein, are defined as follows:

1.2.1 Air Gap. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of said vessel. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel, and in no case less than 1 inch. When an air gap is used at the service connection to prevent the contamination or pollution of the District potable water system, an emergency bypass shall be installed around the air gap system and an approved reduced pressure principle device shall be installed in the bypass system.

1.2.2 Approved shall mean accepted by the District according to the applicable specification stated or cited in these Rules and Regulations, or as suitable for the proposed use.

1.2.3 Approved Back Flow Prevention Device shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association entitled:

AWWA C506-78 Standards for Reduced
Pressure Principle and Double Check Valve
Back Flow Prevention Devices,

and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by Specifications of Back Flow Prevention Devices - #69-2. Final approval shall be evidenced by a Certificate of Approval issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCC&HR specifications dated March 1969 or the most current issue.

1.2.4 Approved Testing Laboratory. The following testing laboratory has been qualified by the District to test and certify back flow preventers:

Foundation for Cross-Connection Control and
Hydraulic Research
University of Southern California
University Park
Los Angeles, California 90007

1.2.5 Auxiliary Water Supply. Any water supply on or available to the premises other than the District's water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river or used waters or industrial fluids. These waters may be polluted or contaminated or may be objectionable and constitute an unacceptable water source over which the District does not have sanitary control.

1.2.6 Backflow Preventer. A device or means designed to prevent back flow or back siphonage.

1.2.7 Back Pressure means back flow caused by a pump, elevated tank, boiler or other means that could create pressure within the system greater than the supply pressure.

- 1.2.8 Back Siphonage means the flow of water or other liquids, mixtures or substances into the distribution pipes of the District's potable water system from any source other than its intended source caused by the sudden reduction of pressure in the District water system.
- 1.2.9 Bathroom shall mean any area having a toilet.
- 1.2.10 Bedroom shall mean a room for sleeping having not more than three bed spaces including, a room with a convertible bed, hide-a-bed, and a den, family or recreational room. A bedroom having two full size or larger beds, four bed spaces, shall be counted as 1.5 bedrooms.
- 1.2.11 Bed Space shall mean space for one person to sleep.
- 1.2.12 Board shall mean the Board of Directors of the Brush Creek Metropolitan District.
- 1.2.13 Certified Cross-Connection Inspector and/or Tester shall mean a person who has passed a State approved testing and/or inspection course and who is listed by the State as a certified inspector and/or tester.
- 1.2.14 Check Valve shall mean a self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.
- 1.2.15 Colorado Department of Health Cross-Connection Control Manual. A manual that has been published by the State addressing cross-connection control practices, which will be used as a guidance document for the District in implementing a cross-connection control program.
- 1.2.16 Commercial Buildings shall include office buildings, retail sales buildings, multiple use buildings, laundromats, service stations, shops, garages, fire stations, warehouses and similar facilities.
- 1.2.17 Connection Permit shall mean written permission of the Board to connect to a water line of the District, pursuant to these Rules and Regulations.
- 1.2.18 Connecting Water Transmission Line shall be any water main or pipeline needed to connect a water distribution line system to District service facilities.

- 1.2.19 Contamination shall mean an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health.
- 1.2.20 Cost of Construction shall mean all costs applicable to the construction of a given new facility, including, without limitation, the hard and soft construction costs, and the costs of surveys, actual construction, preliminary and design engineering, inspection, administrative and legal service, "as-built" drawings, easements acquisition, and all other costs necessary for completion of such new facility. However, cost of construction shall not include any expenses for additions to the water treatment plants which might be made necessary as a result of the connection of the new facility, or the connecting water transmission lines.
- 1.2.21 Critical Level shall mean the critical level C-L or C/L marking on a back flow prevention device or vacuum breaker which is a point conforming to approved standards established by the testing laboratory (usually stamped on the device by the manufacturer) which determines the minimum elevation above flood-level rim of the fixture or receptacle served at which the device may be installed. When a back flow prevention device does not bear a critical level marking, the bottom of the vacuum breaker, combination valve or the bottom of any such approved device shall constitute the critical level.
- 1.2.22 Cross-Connection shall mean any unprotected, actual or potential connection or structural arrangement between the District's or a customer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any substance, other than the intended potable water, with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which back flow can or may occur, are considered to be cross-connections.
- 1.2.23 Cross-Connections--Controlled. A connection between a potable water system and a non-potable water system with an approved back flow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.
- 1.2.24 Customer shall mean any person or entity authorized to use District facilities under a connection permit and who is supplied with water service

by the District. Only those persons or entities that own property within the District may be customers of the District.

- 1.2.25 District shall mean the Brush Creek Metropolitan District, a special district organized and existing pursuant to the laws of the State of Colorado.
- 1.2.26 District Water Service Line shall mean the tap to the water main, the curb valve and the water line between the tap and curb valve, and the water meter, all of which are the property of the District.
- 1.2.27 Double Check Valve Assembly. An assembly of two independently operating approved check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications and approval of a recognized and District-approved testing establishment for back flow prevention devices. To be approved, these devices must be readily accessible for in line maintenance and testing.
- 1.2.28 EQR shall mean equivalent residential unit; the basic service used to identify the water and wastewater demands relating to an average single family residence consisting of not greater than four bedrooms, three bathrooms and one kitchen or its equivalent.
- 1.2.29 Flood Level Rim means the edge of the receptacle from which water overflows.
- 1.2.30 Hazard--Health. Any condition, device or practice in the water supply system and its operation which could create, or in the judgment of the District may create a danger to the health and well being of the water customer. An example of a health hazard is a structural defect, including cross-connections, in a water supply system.
- 1.2.31 Hazard--Plumbing. A plumbing type cross-connection in a customer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or back flow prevention device. Unprotected plumbing type cross-connections are considered to be a health hazard.
- 1.2.32 Hazard--Pollutional. An actual or potential threat to the physical properties of the water system or to the potability of the public or the customer's potable water system, but which would constitute a nuisance or

be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

1.2.33 Hazard--System. An actual or potential threat of severe damage to the physical properties of the District potable water system or customer's potable water system or of a pollution or contamination which would have a protracted affect on the quality of the potable water in either system.

1.2.34 Industrial Fluids System. Any system containing a fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into the District water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from a public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulated cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, irrigation canals or systems, etc.; oils, gases, glycerine, paraffins, caustic and acid solutions, and their liquid and gaseous fluids used in industrial or other purposes or for fire fighting purposes.

1.2.35 Inspector shall mean authorized representatives of the District.

1.2.36 Kitchen shall mean any area having facilities for cooking or for cooking and dishwashing.

1.2.37 Landowner Developer shall mean the person or entity which is the owner of land within the District.

1.2.38 Multi-Family Residential Units shall mean units which may have common laundry facilities or individual laundry hookups, including apartments, condominiums, townhouses and similar facilities in the same complex with one kitchen per unit.

1.2.39 Municipal Facility shall mean a facility owned by a governmental entity which is used for governmental or proprietary functions.

1.2.40 Non-Potable Water shall mean water that is not safe for human consumption or that is of questionable potability.

- 1.2.41 Person shall mean any individual, firm, company, association, society, corporation or group.
- 1.2.42 Pollution shall mean the presence of any foreign substance (organic, inorganic, radiological or biological) in the water that may degrade the water quality so as to constitute a hazard or impair its usefulness.
- 1.2.43 Potable Water shall mean water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological, chemical and radiological quality shall conform with State of Colorado Drinking Water Regulations.
- 1.2.44 Private Water Service Line shall mean the water line from the customer side of the water meter to the premises being served.
- 1.2.45 Reduced Pressure Principle Device. An assembly of two independently operating, approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of a recognized and District approved testing establishment for back flow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two check valves at a level less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the two check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is 2 pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these devices must be readily accessible for in-line maintenance and testing and be installed in a location where no part of the device will be submerged.
- 1.2.46 Schools shall include day care centers, public and private day schools, included in which are teachers, librarians, custodians and administrative personnel associated with the school function.
- 1.2.47 Service Plan shall mean the preliminary service plan for organization of the District, prepared by McLaughlin Water Engineers, dated December 14, 1988.

- 1.2.48 Sewage Collection Line shall mean any sewer main located in a particular subdivision or other integrated development which collects sewage from the various units therein.
- 1.2.49 Shall is to be considered as mandatory; may is discretionary.
- 1.2.50 Single Family Residential Units shall include single-family homes, duplexes, individually built mobile homes, mobile homes on a single lot, and mobile homes established as permanent residences having one kitchen.
- 1.2.51 Submerged Inlet shall mean a water main or extension thereto from the District water system terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminants and which is unprotected against back flow.
- 1.2.52 Swimming Pool shall mean all swimming pools, hot tubs, whirlpool tubs, bath tubs and the like of a permanent installed nature, having a capacity of greater than 50 gallons at the overflow or a total capacity of 50 gallons, whichever is less. Recyclable hot tubs shall not be considered swimming pools if the total capacity is less than 500 gallons.
- 1.2.53 System Development Fee is a fee to affect a partial reimbursement of capital investment to the District, also known as a tap fee.
- 1.2.54 Transient Residential Units shall include hotels, motels, mobile home parks, dormitories, recreational vehicle parks and similar facilities intended for short term rental and does not include laundry facilities, except those in mobile homes.
- 1.2.55 Undefined Terms. Any other term not herein defined shall be defined as presented in the "Glossary Water and Sewage Control Engineering", A.P.H.A., A.S.C.E. and W.P.C.F., latest edition.
- 1.2.56 Unit shall mean one parcel, lot or unit of real property in single or common ownership.
- 1.2.57 Vacuum shall mean any pressure less than that exerted by the atmosphere.
- 1.2.58 Vacuum Breaker, Atmospheric Type shall mean a vacuum breaker which has a moving element inside, which during flow prevents water from spilling from the device and during the cessation of flow, drops down to provide a vent opening. The atmospheric vacuum breaker cannot be

installed where there can be back pressure, only where there can be back siphonage. This device should not remain under pressure for more than 12 hours in any 24-hour period, and shall not have any shutoff valve downstream.

1.2.59 Vacuum Breaker, Pressure Type shall mean a vacuum breaker that can be installed where there can be back pressure. The pressure vacuum breaker may have shutoff valves downstream.

1.2.60 Water Distribution Lines shall mean a water main located in a particular subdivision or other integrated development which distributes water to the various units therein.

1.2.61 Water Main shall mean any water line owned by the District.

1.2.62 Water Service Connection shall mean the terminal end of a private water service line at the connection with the District water main.

1.3 Water System. The following general regulations shall apply to the District water system:

1.3.1 Purpose. The District water system is intended to provide potable water for municipal uses.

1.3.2 Fire Hydrants.

1.3.2.1 Purpose. It is the express policy of the District that fire hydrants are for emergency use only by emergency personnel. No other connections shall be made to District fire hydrants without first obtaining a permit and paying applicable fees to the District.

1.3.2.2 Installation. Fire Hydrants may be installed on private water service lines subject to the following conditions:

- a. approval of the Board is obtained in writing;
and;
- b. the District has no obligation for repair and maintenance of the fire hydrant.

1.4 Water System. The following general regulations shall apply to the District potable water system:

- 1.4.1 Authority of Inspectors. Inspectors and other duly authorized employees of the District with proper credentials shall be permitted to enter upon all properties at reasonable times within the District as necessary for the purpose of inspection, observation, measurement, sampling and testing and repairing any of the Water or Sewer Mains or Service Lines.
- 1.4.2 Regulation of Usage. Whenever there is a shortage of water, system operating failure, system repair or emergency, the Board shall have the power to regulate and curtail water usage.
- 1.4.3 Damage to District Property. No person shall, whether maliciously, willfully, negligently or otherwise, break, damage, destroy, uncover, deface, make any connection without permit, or tamper with any structure, appurtenance or equipment of the water or sewer system, including fire hydrants.
- 1.4.4 Incremental System Development Fee. Alterations or additions to improvements already connected to the District's facilities may require an additional system development fee to be paid in accordance with the EQR schedule contained in these Rules and Regulations. It is the obligation of the customer, prior to commencing any alteration or addition, to contact the District and provide the District with a copy of the plans and specifications for the alteration or addition. Thereupon, the Board of Directors of the District will determine the Incremental System Development Fee, if any, which shall be payable upon issuance of the connection permit as set forth in these Rules and Regulations.
- 1.4.5 Property Damage. No claim for damage shall be made against the District by reason of any damage to real or personal property resulting from turning on or shutting off of service or a variation in system pressure.

SECTION II. FACILITY RELOCATION POLICY

- 2.1 Facility Relocation Policy. Relocation of District facilities shall be discretionary and not mandatory. All relocations shall be in accordance with the Service Plan.
- 2.1.1 Procedure. A landowner developer shall provide the District with documentation required by the District concerning the proposed relocation of District facilities.

2.1.2 Easements. The District shall require reservation and dedication of easements for the benefit of the District on the final plat where the location of these easements can be predetermined. The District shall further require the granting of any additional easements necessary for installation of its water main and related facilities prior to the effective date of a construction contract for the construction of the facilities. Any costs for acquisition of land or easements necessary for the District to serve the proposed project shall be paid by the landowner developer. The landowner developer shall provide the District with an accurate legal description of all easements, in metes and bounds, showing the boundaries and centerline of the easement, prior to the effective date of a contract for District construction of the facilities.

2.1.3 Deviation from Service Plan. The District shall not be responsible for installation of any facilities not contemplated in the service plan. Any costs thereof shall be borne totally by the landowner developer as premium charges, and such costs shall be eliminated from the calculations of the total project cost.

2.1.4 Design of Facilities. The District shall cause to be designed and approve the construction all water and sewer mains and related facilities. The design shall be by a professional engineer licensed to practice in the State of Colorado.

SECTION III SERVICE POLICY

3.1 Connection Permit Required. Before a building permit or a plumbing permit is issued by Pitkin County, or any connection is made to the sewer or water mains, or any liability for an incremental system development fee arises, whichever shall first occur, a connection permit shall be obtained from the District and the required fees paid.

3.1.1 Application for Permit. Application for a water or sewer connection permit shall be made to the District on forms furnished by the District, which shall include, without limitation, a full description of the work to be done, the address of the unit to be served, and the name of the Pitkin County licensed plumber to perform the work under the permit, and such other information as may be required by the District.

3.1.2 Term of Permit. Upon issuance, the connection permit shall remain in effect for the same period as the building permit or plumbing permit issued

by Pitkin County, for the project for which the connection permit is required, or 1 year from the date of issuance, whichever is less.

3.1.3 Inspection. Prior to applying to Pitkin County for a Certificate of Occupancy, the holder of a connection permit shall contact the District and request a water conservation and compliance inspection.

3.1.4 Revocation of Permit. Any connection permit may be revoked if the installation or use of water service is not made in accordance with these Rules and Regulations, any prescribed specification of the District or the District engineer, or any special condition of the permit.

3.1.5 Separate Permit. Not more than one connection to the water or sewer mains shall be allowed under each connection permit.

3.1.6 Other Permits. No connection permit shall be considered to be authority for the making of any cut in a public road or street, or in lieu of a building permit required by Pitkin County, or any permit required by any other regulatory body.

3.2 Potable Water Service.

3.2.1 Private Water Service Line Specifications. The following specifications shall apply to the installation and maintenance of all private water service lines:

3.2.1.1 Connection. Upon payment of the connection permit fees, the District shall install a water service line, including corporation cock and water meter extending from the District's main to a point within approximately 10 feet from an individual property line, at which point the water meter will be located. Commencing at the customer side of the water meter the remainder of the water service line shall be considered a private water service line to be maintained in accordance with Section 3.2.7.

3.2.1.2 Material. Only type K soft copper tubing with flared couplings shall be utilized; no solder joints are permitted.

3.2.1.3 Minimum Cover. Service lines shall be buried with a minimum of seven feet (7') of cover, provided, however, additional cover may be required at the specific location to avoid freezing.

3.2.1.4 Backfill. Backfill shall be properly compacted so that no lines will be broken by settlement and so that the surface will not be damaged in areas where the surface is improved. All backfill or cuts in public rights-of-way shall be in compliance with requirements of the District, and of the County of Pitkin.

3.2.1.5 Excavation and Backfill Inspection. Excavation, trench shaping, pipe bedding and backfilling are subject to the approval of the inspector. No service lines shall be backfilled or covered until approved by the inspector.

3.2.1.6 Maintenance. Each customer shall be responsible for maintaining the entire length of the private water service line. Leaks in a service line shall be repaired by the customer within 72 hours of notification of such condition, or the inspector shall have authority to repair the leak. The customer shall immediately pay for the resulting repair costs, which costs shall constitute a perpetual lien against the property until paid.

3.2.1.7 No Line Bleeding. Service lines shall be installed in a manner that bleeding of water is not necessary to prevent freezing.

3.2.1.8 Disconnections. No water service line connected with the District mains shall be disconnected therefrom without the prior written approval of the District, which shall specify the method and time of disconnection.

3.2.2 Conditions of Service. The following items shall apply to all water service connections:

3.2.2.1 Pressure Reducing Valves. Pressure reducing valves (required in any instance where pressure measures 75 or more pounds per square inch at the customers meter) shall be furnished, installed and maintained at not greater than 75 PSI, by the customer. The pressure reducing valve shall be located at an accessible location approved by the inspector.

3.2.2.2 Water Meters. To provide for an equitable charge for water usage and to induce water conservation, the District will install a water meter between the District's main water line and the customer's service line.

3.2.2.3 Exterior Hose Bibs. In order to aid in controlling fires, each customer of the District will be required to install at least one exterior hose bib as a condition of receiving water service.

3.2.3 Cross-Connection and Back Flow Control. The District water system shall have no cross-connection to any pipe, fixture or supply containing water of a quality below the minimum general sanitary standards of drinking water supplied to the public, as promulgated by the Colorado Department of Health.

3.2.3.1 Required Installation. An approved back flow prevention device shall be installed depending on type of hazard. Such a device shall be installed in all cases, before the first branch line leading off the private water service line, at an accessible location approved by the inspector, wherever any of the following conditions exist:

a. Auxiliary Water Supply. In the case of a premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the District.

b. Industrial Fluids. In the case of a premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the District water system, including the handling of process waters and waters originating from the District water system which have been subject to deterioration in quality.

c. Internal Cross Connections. In the case of a premises having internal cross-connections that cannot be permanently controlled.

d. Intricate Plumbing. In the case of intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross-connections exist.

3.2.3.2 Type of Back Flow Device. The type of back flow prevention device shall depend upon the type of hazard which exists, as follows:

a. Reduced Pressure Principal Device. In the case of a premises where there is an auxiliary water supply which is not subject to any other provisions of these Rules and Regulations, the District water system shall be protected by an approved air gap separation or an approved reduced pressure principal back flow prevention device.

b. Double Check Valve Assembly. In the case of a premises where there is water or a substance that would be objectionable but not hazardous to health if introduced into the District water system, the District water system shall be protected by an approved double check valve assembly.

c. Air Gap Separation Device. In the case of a premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the District water system, the District water system shall be protected by an approved air gap separation or an approved reduced pressure principle back flow prevention device.

d. Maximum Protection. In the case of a premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection inspection, the District water system shall be protected against back flow or back siphonage from the premises by the installation of an approved air gap separation or an approved reduced pressure principle back flow prevention device.

3.2.3.3 Inspections. It shall be the duty of the customer at any premises where back flow devices are installed to have certified inspections and operational tests made at least once per year, provided, however, the

customer's system shall be open for inspection at all reasonable times to authorized representatives of the District and the certified cross-connection inspector to determine whether cross-connection or other structural sanitary hazards exist. In those instances where the District determines that a hazard exists, certified inspections may be required at more frequent intervals. The back flow prevention devices shall be repaired, overhauled or replaced at the expense of the customer whenever these devices are found to be defective. Records of such tests, repairs and overhauls shall be kept and made available to the District.

3.2.3.4 Installation of New Devices. The District will be informed of all back flow prevention devices that are installed on any premises. Upon installation, the device will be inspected and tested by a certified inspector. The District will be informed in writing of the results of this inspection and test.

3.2.3.5 Existing Cross-Connections. All cross-connections between the District water system and any secondary water system shall be either eliminated or protected by means of an approved back flow preventer.

3.2.3.6 **Specific System Requirements.**

a. Irrigation Systems. The following guidelines relating to back flow prevention devices for irrigation systems shall apply:

(1) A double check valve assembly may not be installed to serve multiple irrigation circuits in lieu of vacuum breakers on each individual irrigation circuit.

(2) A reduced pressure principle back flow preventer or air gap separation shall be required before any piping network in which fertilizers, pesticides and other chemicals or toxic contaminants are injected or siphoned into the irrigation system. A reduced pressure principle back flow preventer may be installed to serve multiple irrigation circuits in lieu of vacuum breakers on each individual irrigation circuit.

b. Fire Systems. In cases where the domestic water system is used for both drinking and fire

fighting purposes, approved back flow prevention devices shall be installed to protect such individual drinking water lines as are not used for fire fighting purposes.

3.2.4 Water Conservation Design and Fixtures. It is the District's policy to minimize water waste from the standpoint of water conservation.

3.2.4.1 New Customers. All new customers (a new customer is defined as one whose home was completed - and a Certificate of Occupancy issued - after August 31, 1990) who connect to the District's system shall install:

- a. Urinals having automatic flushing or constant water demands;
- b. Flush toilets of the water-saving type, having a maximum demand of 1.5 gallons per flush;
- c. Tank toilets of the water conservation type, having a maximum gallons per flush requirement of 1.5 gallons;
- d. Shower heads of a maximum discharge of not greater than 2.5 gallons per minute at 50 psi;
- e. Non-recycling tubs, jacuzzis, hot tubs, spas, whirlpool tubs, or the like shall hold not greater than 50 gallons the overflow, or not greater than 50 gallons total if there is no overflow.

3.2.4.2 Existing Customers. All existing customers may, and all existing customers who are obligated to obtain a connection permit due to alteration or addition of existing improvements shall, incorporate plumbing designs and fixtures having the following characteristics:

- a. Any add-on or replacement fixtures shall be installed in conformance with the provisions of Paragraph 3.2.4.1;
- b. Massage or high-use shower heads shall either be removed and replaced, or a flow

regulating valve shall be installed in each shower line. The regulating valve shall limit the maximum discharge to not greater than 2.5 gallons per minute at 50 lbs. psi.

3.3 Disturbance of Existing District Facilities. The owner of any real property upon which a change to the existing grade occurs will be responsible at his sole cost and expense for modifying existing facilities, including, without limitation, water lines, sewer lines, manholes, water gate valve boxes and fire hydrants, as required by the District to the following standards:

3.3.1 Water Lines. The ground cover over an existing water line shall be as follows:

Minimum: Seven feet (7').

Maximum: Twelve feet (12').

3.3.2 Water Meters. Water meter covers shall match revised elevations.

3.3.3 Fire Hydrants. Fire hydrant extensions shall be furnished and installed by the District.

3.3.4 District Costs. Any costs incurred by the District in modifying existing facilities due to the change in the existing grades shall constitute a perpetual lien on and against the affected property until paid.

SECTION IV. WATER CONSERVATION

4.1 Restriction on Use. The District shall implement reasonably practicable water conservation measures during those times when surface water supplies are limited or to lessen the possibility of the flows in Snowmass Creek falling below acceptable levels by reason of the Snowmass Water and Sanitation District's diversions. These water conservation measures shall be implemented at any time the same or similar measures are enforced by the Snowmass Water and Sanitation District.

4.1.1 Procedure. The Board shall determine that a water shortage exists. Thereupon, the plan hereinafter set forth shall be implemented. The duration of each stage shall be determined by the Board, according to the exigent circumstances of the particular situation.

4.1.2 Water Shortage. During the period designated Water Shortage water supplied by the District shall not be used for:

4.1.2.1 washing of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas.

4.1.2.2 filling or refilling of hot tubs, spas, or the like.

4.1.2.3 washing of privately owned cars, other motor vehicles, trailers or boats.

4.1.2.4 lawn watering and irrigation, except to the extent determined to be permissible by the District.

4.1.2.5 dust control, street or parking lot cleaning.

4.1.2.6 A public awareness program will be initiated for education as to the types of practices which a successful temporary program will require. The District shall distribute printed material emphasizing the need to schedule water use during off-peak hours, as well as suggested lifestyle changes.

4.1.3 Water Crisis. Prior to the expiration of a Water Shortage, a period known as a Water Crisis shall be designated by the Board, if entry of such stage is necessary. During a Water Crisis, all restrictions under a Water Shortage shall remain in effect. In addition, the following measures shall also be in effect:

4.1.3.1 Except for fire fighting, there shall be no use of water from a fire hydrant.

4.1.3.2 Watering of any lawn, garden, landscaped area, tree, shrub, or other plant shall be prohibited.

4.1.3.3 No new water service shall be authorized, however, existing authorizations shall be honored.

4.2 Water Conservation Restrictions. To insure the proper functioning of the District's water system during periods of peak demand, the District may establish restrictions on watering and use as are appropriate. Due to high flow demands through the District's water distribution system during summer irrigation months, the following watering restrictions shall apply each year to the use of water supplied by the District:

- 4.2.1 Restriction Period. The watering restrictions shall be in effect yearly commencing at 12:00 o'clock a.m. on June 15th and continuing until 12:00 o'clock p.m. on September 15th.
- 4.2.2 No Use Period. No watering shall be permitted between 10:00 o'clock a.m. and 3:00 o'clock p.m. daily.
- 4.2.3 Even Day Watering. Watering shall be allowed on even numbered days of each month during the irrigation restriction period and on the 31st day of each month for that portion of the District whose house numbers, as assigned by Pitkin County, are even numbers.
- 4.2.4 Odd Day Watering. Watering shall be allowed on odd numbered days of each month during the irrigation restriction period for that portion of the District, whose house numbers, as assigned by Pitkin County, are odd numbers.
- 4.2.5 Exemption Permit. The District shall issue not greater than one exemption permit to a customer for the purpose of watering of newly installed landscaping, lawns and trees. The customer shall prominently display a copy of the exemption permit in the area to be watered. The exemption permit shall authorize the customer to water on an even or odd numbered day which is not authorized, but shall not entitle the customer to water during the no use period. The exemption permit shall be in effect for the restriction period of the year of issuance only, unless earlier terminated by the District due to the establishment of further restrictions on water and use.
- 4.2.6 Total Irrigation Area. No customer shall use water supplied by the District to irrigate more than one thousand (1,000) square feet of vegetation.
- 4.3 Swimming Pool Use Prohibited. No customer shall use water supplied by the District for the filling, refilling, or replenishment of any swimming pool.

SECTION V. RATES AND CHARGES

- 5.1 Setting Fees. The Board may increase or decrease the rates and charges of the District as it deems necessary for the best interests of the District, provided such rates and charges are uniform in each classification. The Board may establish different rates and charges for property classified by type or quantity of use. The

Board shall review the total annual cost of operation and maintenance on an annual basis and will revise the rates and charges of the District as necessary.

5.2 Billing. Statements for service fees and water usage fees shall be rendered quarterly and payable on the 1st of each calendar quarter, quarterly in advance. Water usage fees will be estimated on each billing and revised to reflect actual usage on the subsequent quarter's statement.

5.2.1 Commencement of Service And Water Usage Fees. Service fees shall commence upon the first day of the calendar quarter following the issuance of a Connection Permit, or actual connection to District facilities, whichever shall first occur.

5.2.2 Additional Charges. Charges for late payments, turn on, service line repairs, etc., shall be added to the customer's statements.

5.2.3 Statement Payment Date. Statements are payable within thirty (30) days of due date or a reasonable penalty for any delinquency, including, but not limited to, interest on delinquencies from any date due at the maximum rate authorized by the laws of the State of Colorado, reasonable attorney's fees and other costs of collection, will be assessed.

5.3 Nonpayment. If statements are not paid within 30 days of due date, then the District will deliver to the customer by hand or registered mail a shut-off notice, giving the customer 72 hours within which to pay the bill if this notice become necessary, a fee of \$25.00 will be added to the customer's bill. If the owner or occupant cannot be located, or the registered letter notice is ignored, then the shut-off notice shall be hung on the front door of the premises building of the unit being served an additional charge of \$50.00 will be assessed if this step becomes necessary. If the customer's account is not paid within the 72 hours, then the District shall shut off service to the delinquent customer.

5.3.1 Turn-On Fee. If services are discontinued due to nonpayment of a customer's account, a turn-on fee will be charged to reconnect the customer to the District's facilities. The fee shall be the same as the fee for a connection permit.

5.3.2 Continuance of Service Fee. All rates, fees and charges for service provided by the District shall continue to be paid by the customer even after turn-off of the customer's water or sewer private service line from the District's facilities. A customer may be released from the obligation to pay all rates, fees and charges for service provided by the District, if, and only if, an actual disconnection of the customer's water and sewer private service

line from the District facilities occurs, and upon re-connection to the District facilities, the customer shall pay all applicable connection permit fees and system development fees.

- 5.4 Liability for Payment. Until paid, all rates and charges shall constitute a first and perpetual lien on or against the property being served. Any such lien shall be foreclosed in the manner provided by laws of the State of Colorado, or collected when the unpaid rates and charges are \$250.00 or greater. All costs relating to the liens incurred by the District, including, without limitation, attorney's fees and costs of suit, shall be paid by the customer. The District will hold both the occupant and the customer jointly and severally liable for all charges appurtenant to water and sewer service.
- 5.5 Cash Deposit. The District may require any customer or prospective customer to provide a cash deposit to insure payment of current bills, such deposit not to exceed an estimated one (1) quarter usage of the customer.
- 5.6 Equivalent Unit Schedule. All rates, fees and charges for service provided by the District shall be based upon the following EQR schedule. The charge for a specific service shall be computed by determining the EQR value of the service. A "stub in" of plumbing for a future connection shall be considered a current use for purposes of determining the EQR value of service. However, no single service shall be assigned a value less than 0.5 EQR, except as expressly set forth in the following EQR schedule. If no class of user exists for a particular use, then the Board shall determine an EQR value for the particular use. The following is the applicable EQR assigned by class of user:

EQR SCHEDULE

<u>Class of User</u>	<u>EQR Value</u>
Single-family residential unit:	
For each unit not having more than four bedrooms, three bathrooms and one kitchen	1.00
Add for each additional bedroom	0.20
Add for each additional bath or one-half bath	0.20
Add for each additional kitchen	1.00
Add for each recyclable hot Tub or Spa with a capacity equal to or less than 500 gallons	0.20

5.7 Credit Toward EQR Calculation. Upon the change of an EQR use of a Customer, the Customer shall be given credit for the discontinuance of an EQR use toward the computation of the new EQR determination for the Customer. A credit shall be given only for Customer's whose account with the District is current.

5.8 Rates and Charges. The following rates, fees and charges for provision of service are as follows:

5.8.1 General Rates and Charges.

5.8.1.1 System Development fee per EQR.

Water	\$25,000.00
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5.8.1.2 Service fee per EQR per quarter.

Water	\$75.00
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5.8.1.3 Availability of service fee per EQR per quarter.

Water	\$30.00
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5.8.1.4 Connection Permit Fee \$100.00

5.8.1.5 Water Usage Fee:

<u>Gallons used per quarter:</u>	<u>Cost per 1,000 gallons:</u>
Less than 30,000	\$4.00
30,000-50000	\$4.75
50,001-65,000	\$7.75
over 65,000	\$13.75

SECTION VI. BYLAWS

- 6.1 Directors. The property, business and affairs of the District shall be managed by the Board which shall be elected and otherwise chosen pursuant to, and shall exercise the powers granted by the laws of the State of Colorado, particularly the Colorado Special District Act, as heretofore and hereafter mentioned.
- 6.2 Regular Meetings. The Board shall meet regularly on the second Tuesday of each month at 7:00 o'clock p.m. at 1780 Juniper Hill Drive.
- 6.3 Agenda. The Chairman of the District's Board of Directors shall prepare an agenda for each meeting.
- 6.4 Robert's Rules of Order. So far as is practical, Robert's Rules of Order shall be followed at meetings of the Board.
- 6.5 Officers. The officers of the District shall include a President, Vice President, Secretary and Treasurer. The Board shall elect one of its members as:
- a. Chairman of the Board of Directors and President of the District
 - b. Vice Chairman of the Board of Directors and Vice President of the District

The Secretary and Treasurer may be members of the Board. The President and Secretary may not be the same person.

- 6.6 Election of Officers. The regular election of such officers shall be held biennially at the first regular meeting of the Board following the biennial election of the Directors in such year. A special election to fill any vacancies in such offices may be held by the Directors at any regular or special meeting. Any officer elected to fill a vacancy shall serve until the next election of officers. In the event of absence or inability of any officer to act, the Board may delegate the powers or duties of such officer to any other office, Director or person whom it may select.
- 6.7 Ethics. The Board and District employees are subject to and shall comply with the provisions of the statutes of the State of Colorado concerning disclosure of conflicts of interest (C.R.S. 18-8-308) and standards of conduct (C.R.S. 24-18-101 et. seq.), as they presently exist and may hereafter be amended.
- 6.9 Financial Matters. All District bank accounts and investments shall be maintained in the name of the District and shall be authorized investments of a governmental entity in accordance with the laws of the State of Colorado.
- 6.10.1 Two Signature Checks. All checks shall require the signature of two Directors.

6.10.2 Transfer of Funds. The President of the District's Board of Directors is authorized to transfer funds within the various accounts held by the District without the necessity of approval of the Board of Directors in advance irrespective of the amount of the transfer.

SECTION VII. ENFORCEMENT

7.1 Class I Violation. Upon the happening of a Class I violation, the District shall cause a written notice to be mailed or delivered to the customer who has been found to be violating the provisions of these Rules and Regulations. The written notice shall specifically state the manner of the violation and shall reference the appropriate paragraphs of these Rules and Regulations which require the remedial action by the customer.

7.1.1 Compliance with Notice. If the customer timely complies with the remedial action required by the notice, then the violation shall be deemed to have been cured.

7.1.2 Failure to Comply with Notice. If the customer does not timely comply with the remedial action required by the notice, then the District shall cause the customer's water to be disconnected from the District facilities.

7.1.3 Reconnection Fee. Upon disconnection of service, the customer will be required to pay a reconnection fee prior to receiving any further service from the District. The fee shall be the same as that for a connection permit.

7.2 Class II Violation. Upon the happening of a Class II violation, the District shall cause a written notice to be mailed or delivered to the customer who has been found to be violating the provisions of these Rules and Regulations. The written notice shall specifically state the manner of the violation and shall reference the appropriate paragraphs of these Rules and Regulations which require the remedial action by the customer.

7.2.1 Compliance with Notice. If the customer timely complies with the remedial action required by the notice, then the violation shall be deemed to have been cured.

7.2.2 Failure to Comply with Notice. If the customer does not timely comply with the remedial action required by the notice, then the District shall cause the customer's water to be disconnected from the District facilities. In

addition, a \$100.00 fine for the first violation and a \$200.00 fine for each violation thereafter shall be assessed against the customer.

7.2.3 Reconnection Fee. Upon disconnection of service, the customer will be required to pay a reconnection fee prior to receiving any further service from the District. The fee shall be the same as that for a connection permit.

7.3 Class III Violation. Upon the happening of a Class III violation, the District shall cause a written notice to be mailed or delivered to the customer who has been found to be violating the provisions of these Rules and Regulations. The written notice shall specifically state the manner of the violation and shall reference the appropriate paragraphs of these Rules and Regulations which require the remedial action by the customer.

7.3.1 Compliance with Notice. If the customer timely complies with the remedial action required by the notice, then the violation shall be deemed to have been cured.

7.3.2 Failure to Comply with Notice. If the customer does not timely comply with the remedial action required by the Notice, then the District shall cause the customer's water to be disconnected from the District facilities. In addition, a \$150.00 fine for the first violation and a \$250.00 fine for each violation thereafter shall be assessed against the customer.

7.3.3 Reconnection Fee. Upon disconnection of service, the customer will be required to pay a reconnection fee prior to receiving any further service from the District. The fee shall be the same as that for a connection permit.

7.4 Class IV Violation. Upon the happening of a Class IV violation, the District shall cause a written notice to be mailed or delivered to the customer who has been found to be violating the provisions of these Rules and Regulations. The written notice shall specifically state the manner of the violation and shall reference the appropriate paragraphs of these Rules and Regulations which require the remedial action by the customer.

7.4.1 Compliance with Notice. If the customer timely complies with the remedial action required by the notice, then the violation shall be deemed to have been cured.

7.4.2 Failure to Comply with Notice. If the customer does not timely comply with the remedial action required by the notice, then the District shall cause the customer's water or sewer service, or both, as the case may be, to be

disconnected from the District facilities. In addition, a \$200.00 fine for each violation shall be assessed against the customer.

7.5 Applicability of Class of Violation.

7.5.1 Class I Violation shall mean any violation of the provisions of these Rules and Regulations not specifically enumerated hereafter.

7.5.2 Class II Violation shall mean any violation of the provisions of these Rules and Regulations contained in Section 4.2. (except violations of Section 4.2.6)

7.5.3 Class III Violation shall mean any violation of the provisions of these Rules and Regulations contained in Section 4.2.6.

7.5.4 Class IV Violation shall mean any violation of the provisions of these Rules and Regulations contained in Section 4.1 or Section 4.3.

SECTION VIII INITIAL CUSTOMERS

8.1 Initial Customers Defined. An initial customer of the District is defined to be any person or entity who paid the District's system development fee on or before June 30, 1990.

8.2 Amount and Basis of System Development Fee. System development fees for initial customers were established by the Board to be \$10,000 per lot. The Board reserves the right to revise the system development fees using the EQR schedule described in Section 5.6 for any single family residence exceeding that qualifying for treatment as one EQR in Section 5.6.

8.3 Service Line Requirements. Requirements for the installation of service lines for initial customers shall be as described in Section 3.2. It is, however, specifically permitted that connections to existing well service lines may be made if the following conditions are met:

a. That there shall be no cross connection between the District's system and any well.

b. The line withstands a pressure test with no loss of pressure over a two hour period at 50 PSI.

c. The line is inspected and found to contain no toxic materials.

b. That unless the line is constructed of type K soft copper, if any failure occurs the entire service line shall be removed and replaced according to the specifications described in Section 3.2.