

ROUND MOUNTAIN WATER & SANITATION DISTRICT

RESOLUTION NO. 1

SERIES 1975

A RESOLUTION ADOPTING RULES AND REGULATIONS CONCERNING THE OPERATION OF THE WATER AND SEWER SYSTEMS OF THE ROUND MOUNTAIN WATER AND SANITATION DISTRICT AND THE OBTAINING OF SERVICES THEREFROM, AND FIXING FEES FOR CONNECTIONS TO THE SAID WATER AND SEWER SYSTEMS AND RATES FOR OBTAINING SERVICE THEREFROM. NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ROUND MOUNTAIN WATER AND SANITATION DISTRICT.

SECTION I

GENERAL - EXPLANATORY MATERIAL

1.1 POLICY AND PURPOSE. It is hereby declared that the Fees and Regulations hereinafter set forth will serve a public use and are necessary to insure and protect the health, safety, prosperity, security, and general welfare of the inhabitants of the Round Mountain Water and Sanitation District. The purpose of the fees and regulations is to provide for the control, management, and operation of the water system and sewage systems of the Round Mountain Water and Sanitation District including additions, extensions, and connections thereto.

1.2 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows:

"Actual Cost" shall mean all direct costs applicable to the construction, engineering, inspection plan approval fees, "as-built" drawings, and other costs necessary for completion.

"Board" and "Board of Directors" shall mean the governing body of the Round Mountain Water and Sanitation District.

"Building" shall be defined to be an enclosed habitable structure with outside walls and a roof designed and constructed for permanent shelter of persons and

inhabitable as a dwelling or business. This includes Mobile Homes, which have been either recorded as an improvement with the County or possess valid license plates.

"Building Drain" shall mean that part of the lowest horizontal piping of a building drainage system from the stack or horizontal branch, exclusive of storm sewer, extending to a point not less than five feet outside of the building wall.

"Contractor" shall mean any person, firm, or corporation licensed by the District to perform work and to furnish materials therefore within the District.

"Customer" shall mean any person, company, corporation, or governmental authority or agency authorized to connect to a public water or public sewer under a permit issued by the Board.

"District" shall mean the Round Mountain Water and Sanitation District.

"Industrial Wastes" shall mean the liquid wastes from industrial processes, as distinct from sanitary sewage.

"Owner" shall mean the person owning the real property served by water and sewer service.

"Permit" shall mean written permission of the Board to connect to a public sewer or public water main of the Round Mountain Water and Sanitation District and pursuant to the Fees and Regulations of the District.

"Person" shall mean any individual, firm, company, association, society, corporation or group.

"Public Sewer" shall mean a sewer main which is owned and controlled by the District and which is located on public streets or public rights-of-way.

"Sewage" shall mean any liquid waste containing animal or vegetable matter in suspension or solution from residences, business buildings, institutions, and industrial establishments.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Sewer Service Line" shall mean the extension from the building drain to the public sewer.

"Shall" is mandatory.

"Superintendent" shall mean the superintendent of the District, or in his absence, his duly authorized deputy.

"Stub-in" shall mean that part of the service line lying within the public right-of-way. When installed in the public right-of-way, curb valves, curb boxes, meters, meter boxes, and the line itself shall all be considered a part of the stub-in.

"Tap" or "Connection" shall mean the connecting of the service line to the water main or sewer main.

"User" shall mean any person to whom water and/or sewer service is supplied.

"Water Main" shall mean a District-owned water pipeline, carrying potable water only and shall be installed in a public street or right of way.

"Water Service Line" shall mean the water line extending from the water main to the customer's building. This shall not include the tap on the main or the corporation cock.

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.E., latest edition.

SECTION 2

CONDITIONS OF USE OF WATER AND SEWER SYSTEMS

2.1 WHO MAY USE. Water and sewage service can be furnished only to persons whose property is included within, and subject to taxation by the District except as otherwise provided herein and approved by the Board.

No person shall connect to and/or use the District's water or sewer system without obtaining a written permit from the District and unless he complies with these Fees and Regulations. No water or sewer service may be obtained until customer's tap fees and connection charges are made at the office of the District. No water or sewer service will be available until all back charges are paid.

Water and sewer service shall be taken only as a unit for those persons whose property is located only in the District limits, unless both District services are not reasonably available.

Unless specifically exempted by the District Board of Directors, any inhabited building within District boundaries, within 400 feet of a District water line, and capable of being served by the District shall be considered as utilizing District water services and the owner shall be charged the appropriate fee.

Unless specifically exempted by the District Board of Directors, any inhabited building within District boundaries, within 400 feet of a District sewer line, and capable of being served by the District shall be considered as utilizing District sewer services and the owner shall be charged the appropriate fee.

Except for those taps specifically provided or approved by the District for such purposes, water from the District's system shall not be sold, donated, delivered, or otherwise removed to any location outside of District boundaries, nor to any location where water service has been terminated by the District, nor to any location for which the District has not granted a written permit to use such water.

A Customer's right to use water is limited to a particular location, being that property to which the tap is appurtenant. Without the express permission of the District Board of Directors, or their authorized representative, no Customer, Owner, Person, or User, shall remove, or allow the removal of, water from that particular premises to which the tap is appurtenant, except that persons residing at said premises may remove water for their own personal consumption.

It is not the intent of this regulation to prohibit District customers from allowing water to be removed from their premises by others in small thermoses, vessels, or containers, which can be carried in the hands or arms of a single person. Such persons, however, may take larger quantities of water from only those taps specifically provided or approved by the District, and customers of the District shall not allow otherwise.

Further, District customers shall not share water with adjoining or neighboring properties by means of hoses or pipelines without District permission.

2.2 RESPONSIBILITIES OF THE CUSTOMER AND OWNER. No person shall discharge or cause to be discharged any water bleeding flows, storm water,

surface water, ground water, roof runoff, sub-surface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

No person shall discharge, or cause to be discharged, to any public sewer, any harmful water or wastes, whether liquid, solid, or gas, capable of causing obstructions to the flow in sewers, damage or hazard to structures, equipment, and personnel of the sewage works, or other interference with the proper operation of the sewage works.

Each owner shall be responsible for installing and maintaining the entire length of his water and sewer service lines except the stub-in, which shall be installed and maintained by the District. Meters, whether or not a part of the stub-in, shall also be installed and maintained by the District. Leaks or breaks in the customer-owned portion of the service lines shall be repaired by the owner within 72 hours after the said owner has been given notification of such condition by the District Board of Directors or Superintendent. If satisfactory progress toward repairing the said leak has not been made by the time specified, the Board or Superintendent shall have the authority to repair or have repaired the lines at the cost of the owner.

2.3 CONNECTION TO DISTRICT SYSTEM. No new inhabitable buildings of any nature shall be constructed within the District unless connected to the District's sewer system. Except that the Board may permit the owner to install temporary individual disposal facilities providing that:

1. Extension to the District's system would create an unreasonable financial burden.
2. A private disposal system is constructed to meet all State Health Department requirements.
3. The owner provides written agreement to connect to the District system when a line is within 400 feet of his buildings, such connection requiring the normal tap fees and connection charges.

All existing buildings capable of being served by the District shall connect to the District's system when a District line is available within 400 feet of the buildings. All extensions and connections shall be in accordance with the practices contained hereinafter. No septic tank systems or other private sewage disposal facilities shall be constructed or used within the limits of the Round Mountain Water and Sanitation District unless specifically approved by the Board.

Where District lines are not adjacent to the property, prepayment of tap fees shall be permitted only as provided by Section 4, Extension Policies.

Unless otherwise specifically approved by the District Board of Directors or their authorized representative, each separately owned lot or parcel to be served shall be adjacent to both water and sewer mains in a public street, alley, easement, or right-of-way. That is, access to water and sewer mains in the public street, alley, easement, or right-of-way must be by adjacent ownership, not by way of private easement, and not by way of extending the service line lengthwise down any such public street, alley, easement, or right-of-way.

4. a. Prior to requesting a connection permit for water and/or wastewater service an "Availability of Service" letter must be obtained. This letter will contain information regarding the availability of service(s), under what conditions the service can be made available, and any special circumstances that pertain to the property. This letter will guarantee water and sewer service to the property, and the permit fee for the connections contained in the letter, for a period of one-year after the date of the letter. Prior to the property owner beginning construction of a building, a permit for connection must be obtained. Any changes to the original request for service may require adjustments to the fees charged for the connection permits in accordance with the district's approved fee structure. If the "Availability of Service" letter expires prior to a connection permit being obtained the letter is no longer valid and an application for new "Availability of Service" letter will need to be submitted and reviewed based on the then existing rules and availability of services.

b. All connection permits issued prior to the effective date of this resolution shall continue to be administered in accordance with the above deleted paragraph until such time connections are made to buildings, connection permits are transferred to another property to provide service, or the connection permits are abandoned in accordance with Section 2.7.

c. Water and/or Wastewater permits issued after the effective date of this resolution shall expire 365 days after the date of issuance. A permit may be extended by 180 days from the expiration date, if construction of a building is currently underway at the permit location or a contract for construction of a building has been executed for the site.

d. If construction has not begun, or an extension to the permit not been requested by the 366th day after the permit was issued, the permit will be deemed expired and no longer valid. The district will refund to the current property owner any system development fees or other similar charges previously paid to the district, within 30 days after the permit has expired. Once expired, a

new permit must be acquired before any connection may be made. No refund will be made of any fees charged for accepting the application, for any design related fees, or other similar fees. Similarly, any fees for or costs incurred by the district related to the extension of water or wastewater service lines to the property line, or any other costs charged or incurred by the district because of the application shall not be refunded. Any refund will be sent by first class mail to the address on the permit, unless the district has received written request for the amount to be sent to a different address or via a different means signed and notarized by all persons who currently have title to the property to be served. Any refunds will be made to the person or person(s) who currently have title to the property to be served.

e. All permits shall be subject to the same minimum monthly water and/or wastewater service fees as though the service lines were connected and installed at that location. Billing for these minimum monthly fees shall begin on the first of the month following 90 days after the permit is issued, or upon connection of the property owners service line to the meter, whichever occurs first. If tap fees are then amended after the date of permit issuance, no adjustment shall be made by means of a rebate or additional charge at the time a building is constructed upon that lot, unless a request is made for a change in tap size, or any other adjustment that would impact flow or pressure through the connection. All connection permits shall be obtained for a designated location and shall not be transferred to any other location unless specifically approved by the Board. Any minimum service fees charged after obtaining the permit and prior to connection of the building to the district's system will not be refunded for any reason.

5. The District Manager is directed to update the district's current rules and regulations as directed herein. The District Manager has the additional authority to make editorial changes which do not change the intended meaning of this resolution, for example: renumbering of paragraphs if necessary.

6. The District Manager shall cause to have any necessary forms and procedures to be prepared.

7. A non-refundable fee of \$100 shall be collected upon application for an "Availability of Service Letter".

8. A non-refundable fee of \$50 shall be collected for each permit issued or reissued.

2.4 DAMAGE. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, obstruct, deface, or tamper with any structure, appurtenance, or equipment which is a part of the water or sewage works.

2.5 WATER SYSTEM. The District's water system has been planned and constructed to provide potable water for conventional domestic and commercial uses and fire protection. Persons wanting to use the water system for an industrial water supply, which could be expected to require large quantities of water or unusual demand rates, shall be required to submit plans for the industry's water use before a permit will be issued; said permit may contain use limitations, as determined necessary by the Board.

2.51 WATERING AND IRRIGATION HOURS. The Board of Directors may from time to time find it necessary to control or restrict watering and irrigation hours within areas served by the District in order to maintain adequate water storage, water pressure, and fire protection capabilities, or to cope with unusual supply limitations, pumping limitations or other emergency situations. At such times, the Board shall have full authority to adopt watering hours by separate resolution, subject to fines for violators, together with provisions for penalizing, disconnecting, and foreclosing upon owners who fail to pay the fine imposed, in the same manner as provided herein for violation of these fees and regulations.

2.6 CUSTOMER PLUMBING. No cross-connections between the District water system and any other water supply or waste line shall be permitted. All customers' plumbing shall be in compliance with the Colorado State Plumbing Code. The District's authorized inspector shall have the right to access customer's premises for the purpose of inspecting customer plumbing.

No residential customers shall have floor drains connected to the sewer system, installed in garages, or other uninhabited areas.

Service stations, garages, schools or other commercial or industrial customers may have floor drains only with the express permission of the Board. Approved grease and grit traps shall be provided and maintained for all such drains. An approved grease and grit trap is one which meets all specifications and design standards, as deemed adequate and necessary by the District's engineer, and which is in compliance with the Colorado State Plumbing Code.

2.7 ABANDONMENT OF SERVICE TAPS. An owner whose property is vacant or whose buildings are neither habitable as a dwelling nor as a business may petition the Board of Directors in writing for abandonment of water and/or sewer service taps. The Board at its next regular meeting will consider such petition, and if approved by majority vote, the Board shall declare the taps abandoned and shall provide the owner with a written certificate of abandonment.

Such abandonment will be made without refund of tap or connection fees. Upon abandonment of the taps, the property will be considered vacant and uninhabitable, and will cease to be subject to minimum service or availability fees.

Such property shall not be occupied until service is renewed by means of a new permit and full payment of tap and connection fees in effect at the time of permit approval. At such time, services will be made available subject to all District rules, fees, and regulations then in effect.

SECTION 3

SERVICE CONNECTIONS

3.1 COST-RESPONSIBILITY.

A. The following regulations shall apply to all taps sold on or before September 12, 1983:

All cost and expense of the initial installation and connection of water and sewer service lines, including the stub-in, shall be borne by the customer. After acceptance of the initial service line construction, the District shall assume ownership of the stub-in and shall maintain the same at District expense, unless amended below:

Those customers having no meter, or a non-working meter, or an outdoor in-line (no pit) meter as of October 10, 1989, shall be required to pay all costs of meter installation or replacement, including material, labor, and equipment; except that labor costs only shall be waived for such customers who pay all other meter installation or replacement expenses in full between October 10, 1989, and July 1, 1992. All such meters installed or replaced by the District on or after October 10, 1989, whether or not a part of the stub-in, shall be owned and maintained by the District.

The District shall also assume ownership of and cost responsibility for maintenance and replacement of those meters, other than in-line meters, installed and working as of October 10, 1989, whether or not a part of the stub-in.

Customers shall obtain curb valves, curb boxes, meters, meter boxes, meter yokes, and stub-in lines from the District. The District will provide sewer tapping saddles and corporation cocks.

B. The following regulations shall apply to taps sold on or after September 13, 1983:

All cost and expense of the installation, connection, and maintenance of the stub-in shall be borne by the District. In addition, when not a part of the stub-in, all cost and expense of meter installation, connection, and maintenance shall be borne by the District.

With the exception of the stub-in and of the meter, all cost and expense of water and sewer service line installation, connection, and maintenance shall be borne by the customer.

The District shall provide all stub-in and meter materials. The customer shall provide all service line materials, other than the meter, which are not a part of the stub-in.

C. The following exception to Rules 3.1A and 3.1B above shall apply to all customers using non-gravity flow sewer service lines: Whenever a property is to be served by a pressurized or non-gravity flow sewer service line, the stub-in for that line will not be constructed or maintained at District expense in the usual manner. Instead, that portion of any non-gravity flow sewer service line within the public easement or right-of-way (the stub-in only) will be constructed and maintained by the District, or by its authorized contractor, at owner expense. Further, the District shall be held harmless from, and not liable for, sewer back-ups, spills or damages caused by pump, cistern, valve, or other failure on or within the private property portion of such lines or systems.

3.2 INDIVIDUAL SERVICE LINES. Each individual commercial structure hereinafter connected shall pay for an individual water and sewer tap and install separate service lines for each commercial structure. Any variance from this requirement must be by obtaining approval of the Board.

Each individual residential structure hereinafter connected shall pay for an individual water and sewer tap and install separate service lines for each residential structure. Any variance from this requirement must be by obtaining approval of the Board.

Exception to this rule: A multi-unit building, building complex, mobile home park, e.g., condominiums, apartments, shopping centers, motels, hotels, or any other improvement comprising two or more units, shall be permitted to utilize a single water tap (and single water meter if such is installed by the District) and a single sewer tap only if the entire complex and/or improvement, as alluded to above, is owned by a single entity, e.g., corporation, partnership, syndicate, person, association, common ownership entity, landlord or any type of ownership whereby such entity owner is legally responsible for the payment of fees and charges to the District for water and sewer services; and, if it should become necessary to terminate said services because of non-payment of said fees and charges, said services shall be terminated to all units within an improvement entity which are served by said single water and sewer taps (and water meter if applicable). In the event of such termination of said water and sewer services, the occupants, lessees, etc. of units within such multi-unit improvements, as alluded to herein, may appeal to the person, or such entity, who or that is responsible for payment of said fees and charges, and shall not have recourse directly to or against the District.

If a single owner, multi-unit entity as alluded to above becomes divided at any time into more than one ownership, each owner (in excess of the number of taps already purchased for the original entity) shall be required to pay for separate service taps and to install separate service lines. Further, the District shall have the right to terminate service to all owners pending their compliance with this regulation. Any variance from this requirement must be by obtaining approval of the Board.

For the purposes of this section, each non-contiguous lot, parcel, or property shall be considered a separate ownership requiring separate service taps and separate service lines. Non-contiguous property is that which is separated by any public street, alley, or right-of-way, or by any other ownership.

3.3 SPECIFICATIONS. All materials and installation shall be in conformance with the Colorado State Department of Public Health rules and regulations including the Technical Plumbing Code as amended and shall be subject to the District's approval. Service lines, taps, and meter installation shall be inspected and approved by the District prior to backfill and use.

- a. A bypass is to be installed around all meters 1 1/2-inches and larger.

b. The size and slope of the building service sewer shall be subject to the approval of the District, but in no event shall the diameter be less than four inches. Minimum grade and slopes shall be 1/4-inch per foot.

c. All excavations required for the installation of a service line shall be open-trench work, unless otherwise approved by the District.

3.4 WATER AND SEWER SERVICE TAPS. Taps, exposure of mains and stub-in installation and maintenance shall only be made by the District. New tap and stub-in installations may be postponed by the District until ground conditions are frost free.

All taps and stub-ins are owned by the District. The payment of tap fees affords the property owner a right to connect to and to use the publicly owned water and/or sewer system. The property owner's interest in the tap is usufructuary rather than legal. Usufructuary essentially means the right to use something belonging to others. This right applies for a specific tap size at a particular location and pursuant to the fees and regulations of the District.

Such right-of-use may be conveyed to a subsequent property owner at that same location but may not be marketed as personal property nor be sold by the property owner for use elsewhere. Only the District, as owner and public custodian of the tap, has the right to permit its relocation. Once placed in service, the tap is considered to be an appurtenance or privilege that runs with the land, either to be used at that location or to be abandoned.

3.5 METERS. All new water service lines installed on or after January 11, 1983, shall include a meter and meter box, which shall be located in the public right-of-way unless otherwise approved by the Board. Water meters may also be required at any time in the case of any unusual-type customer or to prevent customer wastage where directed by the Board. Further, unless specifically exempted by the Board, all District customers shall have meters installed and be subject to metered rates effective July 1, 1992.

SECTION 4

EXTENSION POLICIES

4.1 INSIDE DISTRICT- UNDEVELOPED AREAS. This category shall include all unplatted lands within the original District boundaries.

4.11 PROCEDURES. After submission of the preliminary plat to the Board and before District approval of the final plat, the owner shall pay to the District the cost of a preliminary engineering report, which will describe and cost estimate the following:

- a. Water distribution system within, or adjacent to, the proposed plat.
- b. Collection sewer system within, or adjacent to the proposed plat.

Before final plat approval, the owner shall furnish to the District sufficient monies, or acceptable bonds or letters of credit, in the amount of the estimated actual cost of the:

- a. Water distribution system, and
- b. The collection sewer system.

After plat approval, and at the time requested by the owner, the District shall have constructed the water distribution system and sewage collection system, using monies provided by the owner. Any remaining funds shall be returned to the owner at the completion of the project. Any shortage shall be paid to the District as needed and before any taps are permitted on the systems.

4.12 TIMING. The Board may govern scheduling of any taps and may defer permits until adequate water supply and sewage treatment facilities can be constructed and placed in operation in order to serve the subject development.

4.2 INSIDE DISTRICT- PLATTED AREAS. This category shall include all of the subdivisions platted at the time of District incorporation. In these areas the District will construct water distribution and sewage collection lines to serve buildings, providing capital is available and the project is economically feasible in the Board's opinion. The Board may require prepayment of a specified number of tap fees in order to guarantee extension feasibility.

This policy shall not apply to any areas to be replatted or rezoned to a higher density or higher use than intended at the time of incorporation.

4.3 AREAS OUTSIDE ORIGINAL DISTRICT LIMITS. This category includes all areas outside the original District limits and whose owners petition for utilities. Normally such service will only be provided when the areas annex to the District or agree to annex when legally possible to do so. Owners and users being provided

water service only by the Town of Westcliffe or Silver Cliff as of January 27, 1975, will continue to be serviced and are exempt from making application. Procedures to be followed for providing service to these areas are as follows:

4.31 The owner of the land desiring water and sewer service (applicant) shall request such service in writing. Information furnished to include:

- a. Description of area to be served.
- b. Description of proposed development.
- c. Timing of development.
- d. Probable flow requirements.

This written application will then be reviewed by the District.

4.32 If the Board indicates probable favorability to serve, then the applicant shall have prepared an engineering feasibility report. This report may be arranged for through the District and prepared by the District's engineer; or it may be prepared by an engineer selected by the applicant, in which case the applicant shall pay the costs of report review by the District's engineer. If legal consideration must be investigated, then this work shall be accomplished through the District, by its attorney, at the applicant's expense.

The applicant shall deposit with the District Secretary-Treasurer an estimated dollar amount to cover anticipated legal and engineering expenses. Report information shall include, but not be limited to, the following:

- a. Refined information included in the original letter of application.
- b. Preliminary designs and cost estimates of water distribution and collection sewers required.
- c. Preliminary design and cost estimates of connection methods to the systems.
- d. Hydraulic and functional analyses of the combined systems which will show the effect of the added areas on Round Mountain Water and Sanitation District existing facilities.
- e. Preliminary design and cost estimates for any water treatment, transmission or storage, and sewage transmission and treatment facilities required (as shown by "a" above) to be added on account of service to the applicant's area.
- f. Tap fees, contributions-in-aid-of-construction, and legal conditions required in a contract for service.

4.33 The Board and applicant will review the report, and if the conditions for service are mutually agreeable, then the applicant shall have prepared, by the District's attorney, a contract for utilities service. Such contract shall at least require:

- a. Payment of tap fees in accordance with the rate schedule.
- b. Additional dollar contributions required for connecting water and sewer connection lines (from the existing District system to the proposed development).
- c. Service charges equal to 1.5 times the current in-District rate until the area is annexed.
- d. All water distribution lines, necessary additions to water storage facilities, sewer collection and outfall lines, and necessary sewer treatment plant expansion costs shall be paid for by petitioner and shall be built to District quality standards. If annexation is not intended, lines may either be installed by the District or by the Developer. If the Developer chooses to install the lines, drawings and specifications must be approved by the District's engineer. The work must be inspected by the District's inspector in any event. Line sizes must be in accordance with the District's Master Plan. The Developer is to pay actual project costs, including preliminary engineering, final design engineering, review, job inspection, as-built drawings, surveys, easements, etc. In areas to be annexed, the District shall have designed and constructed all facilities, with the Developer paying actual project costs. Procedures are to be similar to those described in Paragraph 4.1.
- e. At the District's option, the Developer shall either deed to the District the entire water and/or sewer system after it has been completed and accepted or the Developer shall agree to deed the water and sewer system to the District upon demand by the District.
- f. The service area customers shall agree to abide by all of the fees and regulations governing use of the District's systems.

4.34 REBATE PROVISIONS. Whenever an outside owner is required to invest in connection transmission lines that may later also serve future development, the District will enter into a rebate agreement, which will provide that:

- a. The total rebate shall not exceed the original actual cost of the subject line, without interest.
- b. Rebates shall be payable only from 1/3 of the applicable tap fees connected.
- c. If connections are not made directly to the subject line, the District will establish a "% Applicability" for partial rebate.

When a developer is required to pay for oversized lines, the District will rebate the cost of oversize with money obtained from not more than 1/3 of the tap fees paid by future customers utilizing the oversized capacity. Lines will be considered oversized only when they have capacities exceeding the needs of the subject proposed development and intended for further development. Lines 8" diameter and smaller will not be considered as oversized.

No rebate agreement shall extend for a period longer than 10 years.

4.35 TIMING. The Board may govern scheduling of any taps and may defer permits until adequate water supply and sewage treatment facilities can be constructed and placed in operation in order to serve the subject development.

4.4 INSIDE DISTRICT. Undeveloped areas -The Board may require the owner to provide and deed to the District all water and water rights necessary for the extension of said services to the owner's area.

4.5 AREAS OUTSIDE ORIGINAL DISTRICT LIMITS. The Board may require the owner to provide and deed to the District all water and water rights necessary for the extension of said services to the owner's area.

SECTION 5

RATES AND CHARGES

5.1 BASIS OF CHARGES. Sewer service charges for all customers (except special billings) and water service charges for customers not subject to metered rates, shall be based on an equivalent residential unit (EQR) basis as shown below. Water service charges for customers subject to metered rates shall be based on gallons consumed subject to a minimum fee.

CLASSIFICATION AND EQUIVALENT UNITS

Classification	EQR
A. Single-family residence, permanent trailer, town home, condominium unit, if billed individually (not to have more than one kitchen):	1.0
B. Multi-family residential units, duplexes, apartments, condominiums, when in one building and billed collectively (subject to a minimum of 1.0 EQR per tap):	

1. Buffet apartment	0.6
2. Up to and including 2 bedrooms and no more than 1 bathroom	0.8
3. Three bedrooms and over; or 2 or more baths	1.0
4. Each coin-operated washing machine	0.25
5. Mobile home (trailer) in court	0.8
C. Transient rental units, hotels, motels, or rental units in residence. Basic fee including manager's quarters:	1.0
1. Each additional rental room without cooking facilities	0.3
2. Each additional rental room with cooking facilities	0.4
3. Each coin-operated washing machine	0.25
D. Recreational vehicle (RV) parks:	
1. Manager's unit	1.0
2. Any space with water and or wastewater hookups	0.5
3. All other spaces	0.25
4. Dump Station	1.0
E. Bars, restaurants:	
1. For business with less than 25 seating capacity	1.0
2. For the second 25 seating capacity or part thereof	0.8
3. For each additional 25 seating capacity (after the first 50)	0.6
F. Service stations without wash rack:	1.0
1. Each additional wash rack	1.0
G. Commercial or public buildings such as stores, offices, warehouses and similar, having no process water or waste loads:	
1. Minimum for each building or customer up to 4,000 square feet per building area	1.0
2. For each additional 1,000 square feet building area or part thereof	0.2
3. Additional for each pair of public restrooms	0.4
H. Churches, non-profit organization halls (no residence or regular eating facilities):	1.0
I. Schools, public or private:	

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| 1. Basic rate, per pupil capacity 0-40 students and less | 2.0 |
| 2. Each additional (40) students or fraction thereof | 1.0 |
| 3. Additional for gymnasium and showers | 1.0 |
| 4. Additional for cafeteria | 1.0 |

J. Outside customers: for customers outside the District limits, multiply all applicable in-District rates by 1.5, not applicable to service lines existing as of 01/01/75.

K. Swimming pools-for each 25,000 gallons or fraction thereof of swimming pool capacity: 1.0

L. Public restrooms, showers, or laundromats not otherwise classified (subject to a minimum of 1.0 EQR per water tap):

- | | |
|-------------------------|------|
| 1. Each public restroom | 0.2 |
| 2. Each shower unit | 0.25 |
| 3. Each washing machine | 0.25 |

If the property use should change at any time, fees will be adjusted to coincide with the change in use.

5.2 WATER AND SEWER TAP FEES AND CONNECTION CHARGES. Tap fees (including plant investment charges), inspection and connection fees for water and sewer shall be computed as below:

WATER

3/4" tap (or smaller)	\$ 6,500.00
1" tap	\$ 10,800.00
1 1/2" tap	\$ 23,000.00
2" tap	\$ 40,000.00
2 1/2" tap	\$ 62,000.00
3" tap	\$ 89,000.00
4" tap	\$ 157,500.00

Larger than 4" tap to be determined by the Board.

SEWER

If the water tap size is:	The sewer tap fee shall be:
3/4" tap	\$ 4,000.00
1" tap	\$ 6,700.00
1 1/2" tap	\$ 14,500.00
2" tap	\$ 25,500.00

2 1/2" tap	\$ 39,500.00
3" tap	\$ 56,500.00
4" tap	\$100,000.00

Larger than 4" to be determined by the Board.

Future additions on or size increases to an existing water tap shall require payment of the additional appropriate tap fees for both water and sewer whether the sewer tap is increased in size.

Water and/or sewer tap fees may be individually set by the Board in the case of any unusual-type customer.

5.3 WATER AND SEWER SERVICE CHARGES

5.3.1 WATER SERVICE CHARGES

5.3.1.1 RESIDENTIAL SINGLE-FAMILY WATER SERVICE CHARGES

A minimum monthly water fee of \$22.00 per tap shall apply whether the water is on or off. No gallons are included in the minimum fee. A \$2.60 charge shall be added for each 1,000 gallons of water, as measured by the water meter serving the property.

5.3.1.2 RESIDENTIAL MULTI-FAMILY WATER SERVICE CHARGES

A minimum monthly water fee of \$22.00 per metered account shall apply whether the water is on or off. No gallons are included in the minimum fee. A \$2.60 charge shall be added for each 1,000 gallons of water, as measured by the water meter serving the property.

5.3.1.3 COMMERCIAL WATER SERVICE CHARGES

A minimum monthly water fee of \$22.00 per metered account shall apply whether the water is on or off. No gallons are included in the minimum fee. A \$2.60 charge shall be added for each 1,000 gallons of water, as measured by the water meter serving the property.

5.3.2. WASTEWATER SERVICE CHARGES

5.3.2.1 RESIDENTIAL SINGLE-FAMILY WASTEWATER SERVICE - CHARGES (1 EQR User)

A minimum monthly wastewater fee of \$28.69 per tap shall apply whether the water service is on or off. No gallons are included in the minimum fee. A \$3.40 charge shall be added for each 1,000 gallons of water, as measured by the water meter serving the property. Charges for metered water usage shall be capped at

5,000 gallons of water times the number of EQRs assigned by the district in accordance with Section 5.1 Basis of Charges.

5.3.2.2 RESIDENTIAL MULTI-FAMILY WASTEWATER SERVICE CHARGES

A minimum monthly wastewater fee of \$28.69 per metered account shall apply whether the water service is on or off multiplied by the number of Equivalent Residential Users assigned to the account by the district in accordance with Section 5.1 Basis of Charges of these regulations. No gallons are included in the minimum fee. A \$3.40 charge shall be added for each 1,000 gallons of water, as measured by the water meter serving the property. Charges for metered water usage shall be capped at 5,000 gallons of water times the number of EQRs assigned by the district in accordance with Section 5.1 Basis of Charges.

5.3.2.3 COMMERCIAL WASTEWATER SERVICE CHARGES

A minimum monthly wastewater fee of \$28.69 per metered account shall apply whether the water service is on or off multiplied by the number of Equivalent Residential Users assigned to the account by the district in accordance with Section 5.1 Basis of Charges of these regulations. No gallons are included in the minimum fee. A \$3.40 charge shall be added for each 1,000 gallons of water, as measured by the water meter serving the property.

5.4 SPECIAL BILLINGS. Flat rates or metered rates may be individually set by the Board for any unusual-type customer, for business and industries using process water or producing industrial wastes, and for the prevention of customer wastage.

5.4 BILLING AND PAYMENT

Statements for all charges shall be prepared monthly in arrears. Printed statements, unless electronic statements by email only is requested and authorized by the property owner, shall be mailed by first class mail the first week of every month. All statements, whether mailed or emailed are due on the date they are sent to the customer and will be considered delinquent at close of business on the first of the following month. A delinquency fee of \$5.00 will be assessed to the unpaid charges and added to the next billing statement.

- 1) When an account has an unpaid balance after a new billing cycle, the first collection letter stating that a monthly payment is necessary is mailed that includes the date of customer's last payment and that the past due balance is due within 10 business days from date of first letter. Letter will also state that current billing amount is delinquent at close of business on the first of the following month, to avoid any additional late charges. In

landlord/tenant situations, property owner also receives a statement and/or letter which indicates the past due balance.

- 2) Second letter is sent two to three days after due date specified in first collection letter. This letter states that we did not receive a payment or phone call as requested in the first letter, therefore the total balance of the account is due by last day of month. Letter additionally states that if a payment is not received, RMWSD will initiate steps to disconnect service. Letter also states that base water and sewer services will continue to accrue. Letter gives option to contact RMWSD to set up a payment plan if entire amount cannot be paid. When a landlord/tenant account is not paid by the tenant after the due date specified in the second collection letter, the account will be transferred to the property owner's name.
- 3) If no response or payment is received and a new billing cycle has occurred, the third letter is sent immediately after new billing is processed. This is marked as "FINAL NOTICE" and instructs the minimum payment due within 10 business days. The letter will state the exact date that service will be disconnected for non-payment and reiterates that base water and sewer charges will continue to accrue although service has been disconnected. Letter states that a \$20 reconnect fee will be charged, and service will not be restored until account is paid in full when disconnection of service has occurred.
- 4) "FINAL NOTICE" will state that RMWSD will proceed with certifying the amount due to the County Treasurer's Office in accordance with C.R.S. 32-1-1101. (Statute requires that account balance must exceed \$150.00 and shall be at least six months' delinquent.) Therefore, if no payment is received after "FINAL NOTICE" is mailed, RMWSD must wait to file lien until statute requirements are met.
- 5) At any point during the collection process, the property owner may request a payment plan. Any payment plan request must meet the following criteria:
 - a. Must provide for the payment of all current charges each month
 - b. Must include a minimum monthly payment of \$20.00 or the amount past due including any delinquent charges previously assessed, divided by twelve (12) months, whichever is greater.
 - c. Must be signed by the property owner and the District Manager.

Once a payment plan has been approved, no further delinquent charges (late fees) shall be assessed.

If the property owner fails to make a payment as provided for in the payment plan agreement, the agreement shall be deemed null and void and the collection process shall be resumed at the point it was paused.

5.6 WATER AND WASTEWATER TURN OFF/ON. Water turn on/off service may be requested with prior notice. Wastewater service may not be turned off at any time unless by permit abandonment or disconnection due to payment delinquency. Water service will not be turned on or off by the District at the request of the owner unless he, his agent, or his representative is present.

Water service will be turned on or off without charge at the curb valve or water meter by the District only during normal working hours and only when at least twenty-four (24) hours advance notice has been given to the District. Although not obligated to do so, the on-call technician may turn service on or off outside of normal working hours or without advance notice. A fee of \$50 will be charged; each time the service is performed and included as a special fee on the next monthly billing.

5.7 SWIMMING POOLS. All pools must be registered with the District showing location and size of pool before construction begins. A permanent type sign must be placed prominently at all pool filter installations stating that pools are not to be drained without the District Manager's written permission and that pool draining shall be limited between 11:00 p.m. and 6:00 a.m. Pool backwash wastewater system design and operation are subject to the Technical Plumbing Code of the State of Colorado and to the approval of the District Manager.

SECTION 6

PENALTIES AND SEVERANCE

6.1 APPLICABILITY. These fees and regulations shall apply to all property owners within the boundaries of the District, and shall, in addition, apply to all property owners outside the District who are furnished water or sewer service by the District.

No connection to or use of the District's water or sewer system shall be permitted until the property owner shall have agreed to abide by the fees as set or to be set and these regulations as set or to be set or as subsequently amended.

6.2 LIABILITY. Any person violating any of the provisions of the fees and regulations shall become liable to the Board of Directors of the District for any expenses, loss or damage occasioned by reason of such violation.

6.3 VIOLATIONS.

a. **NOTICE.** Any person found to be in violation of the provisions of these regulations shall be served with written notice by the Round Mountain Water and Sanitation District or its designated responsible representative. Such notice shall state the nature of the violation, the compliance required, and provide a reasonable time within which to comply. The time for compliance shall not exceed 30 days. The notice may be mailed by certified or registered mail to the owner or served upon the persons in possession of the premises cited or posted conspicuously upon the premises for a period of 10 days. Failure to comply with the notice shall constitute a violation of this resolution.

b. In the event of failure to comply with the notice, the District or its representative may take action as required in their sole discretion to prevent or abate actual or anticipated damage or danger to the system and such costs shall be properly charged against the property served and constitute a lien thereon.

c. It shall be unlawful for any person, firm or corporation to fail to comply with any notice given pursuant to this Section.

Any person, firm or corporation who shall fail to comply with such notice shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such failure is committed, continued or permitted, and upon conviction of the same as a misdemeanor, such person, firm or corporation shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than 90 days or by both such fine and imprisonment.

6.4 DISCONNECTION. In addition to, and notwithstanding, any other provisions and regulations, the District may at its option, disconnect the water or sewer line from any property owned by any person violating any of the provisions of these fees and regulations from the facilities of the District. The costs of the disconnection and severance shall be charged against the property formerly served by the District and; until paid shall constitute a lien which shall be collected in the same manner as provided for herein for the collection of rates, tolls, fees and charges, or as otherwise provided by law.

6.5 SEVERABILITY. If any provisions of this Resolution or the application thereof to any person, situation or circumstance be held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provisions or applications and the provisions of this Resolution are declared to be severable, the Board of Directors expressly declaring that it would have passed this Resolution and every paragraph, sub-paragraph, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the other paragraphs, sub-paragraphs, sentences, clauses, phrases, or words thereof may be declared invalid.

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