

# **BROOK FOREST WATER DISTRICT**

## **RULES AND REGULATIONS**

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**BROOK FOREST WATER DISTRICT**

**RULES AND REGULATIONS**

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**RULES AND REGULATIONS  
OF THE  
BROOK FOREST WATER DISTRICT**

**ARTICLE I - POLICY, PURPOSES & DEFINITIONS**

**Section 1.01. Declaration of Policy.** The Brook Forest Water District is a governmental division of the State of Colorado with those powers specifically granted, reasonably employed and necessary or proper to carry out the objectives and purposes of the District. The authority of the District to adopt rules, regulations and by-laws is expressly conferred by the Colorado statutes. The Board of Directors of the Brook Forest Water District expressly finds and determines that the adoption of the following rules, regulations and by-laws is necessary for the health, welfare, security and public safety of the inhabitants of the District and to ensure an orderly and uniform administration of the affairs of the District. It is intended that these rules, regulations and by-laws shall be liberally construed to effect the general purposes set forth therein and that each and every part thereof is separate, distinct and severable from all other parts. No omission nor additional material set forth in these rules, regulations and by-laws shall be construed as an alteration, waiver or deviation from any grant of power, duty or responsibility or limitation or restriction imposed or conferred upon the Board of Directors by virtue of the statutes as now existing or as may hereafter be amended. Nothing contained herein shall be so construed as to prejudice, limit or affect the right of this District to secure the full benefit and protection of any laws which are now or hereafter may be enacted by the Colorado State Legislature pertaining to local improvement and service districts.

**Section 1.02.** The District is an equal opportunity Employer. These guidelines are to be applied without regard to any otherwise qualified person's race, creed, color, sexual orientation, sex, age, national origin, ancestry, religion, disability, or genetic information, subject to such reasonable requirements of the District as may be permitted by law.

**Section 1.03. Purpose of the Water System.** It is hereby declared that the water system of Brook Forest Water District is for the purpose of supplying water for domestic and related commercial uses. However, in order to provide a proper amount of water for the health and welfare of all the families in the Brook Forest Water District, no water shall be drawn from the District's sources through any garden hose or similar device attached to the inside or outside plumbing of a building and no garden hose or similar device shall be left attached to the District water supply furnished to any building. These restrictions are not to apply to any fire fighting devices. The water used by each customer must be for health and sanitation purposes and not for irrigation, livestock watering, car washing, recreation, swimming pools or other non-essential use. **[Amended September 10, 1996].**

#### **Section 1.04. Definitions.**

**A. Board.** The word "Board" and phrase "Board of Directors" as used herein shall mean the Board of Directors of the Brook Forest Water District.

**B. Customer.** Any owner of property included within the boundaries of the Brook Forest Water District or served by contract, whether that property is connected to the District's main or not, being subject to the terms and conditions of the Rules and Regulations.

**C. District.** The word "District" or "Brook Forest" as used herein shall mean the Brook Forest Water District.

**D. Engineer.** The engineer of the District is that person who qualifies as an engineer under the statutes of the State of Colorado and has been selected to act in such capacity by the Board of Directors. He/she shall have no authority to commit the District to any policy or course of action without the express approval of the Board.

**E. System Operator.** That person designated by the Board of Directors properly licensed for the operation of a municipal water system.

**F. Interior Lot.** An "interior lot" is a legal unit of land adjacent to not more than one public road or street.

**G. Corner Lot.** A "corner lot" is a legal unit of land adjacent to two or more public roads or streets.

**H. Licensed Contractor.** A "licensed contractor" is that person licensed by the District to perform services within the District which physically affect the public facilities of the District.

**I. Person.** A "person" shall refer either to the singular or plural and shall include an individual, firm, partnership or corporation.

**J. Family.** Any number of individuals living together as a single housekeeping unit.

**K. Single Family Dwelling.** An individual unit designed to be occupied as a single housekeeping unit.

**L. Multiple Dwelling.** A building or group of buildings arranged, intended or designed for occupancy, or which is occupied, by more than one family living independently of each other in separate housekeeping units or apartments. The term "multiple dwelling" shall include, but is not limited to, such dwellings known as apartment homes, condominiums, duplexes, bungalows, hotels and motor inns or motels.

**M. Dwelling Unit.** One or more habitable rooms arranged, occupied or intended or designed to be occupied by not more than one family with facilities for living, sleeping, working and eating.

**N. Parcel of Land.** A description of real property, formally indicated by legal description in recorded title to the property, together with boundaries thereof, used for general identification of the property.

**O. Separate Building.** A structure enclosed under a single roof system with a system of water pipes, fittings, and fixtures.

**P. Public Water System.** The words "public water system" as used herein shall mean any waterline, appurtenances, accessories or portion thereof owned by the District.

**Q. Right-of-Way.** This phrase encompasses a street, alley, or easement in which the public water system of the District may be laid, or in which it is intended to be laid.

**R. Tap.** "Tap" is any connection of a water service line to the public water system of the District.

**S. Facilities.** "Facilities" means the public waterline and all appurtenances and accessories.

**T. Water Service Line.** As used herein, "water service line" shall mean that part of any waterline connecting to the public waterline commencing at the shutoff valve on the inside building wall of any facility to which water is furnished and terminating at the corporation cock.

**U. Stop Box.** "Stop box" means a water shutoff valve located in the public street or private property along service line and which shall have a valve box extending to the finished ground surface.

**V. Permit Well.** "Permit well" shall mean any well authorized in accordance with the provisions of Article IV hereof.

**W. Recovery Back Contract.** "Recovery back contract" is a contract between the owner or owners of real estate and this District, whereby the public water system is extended and enlarged (the funds therefor being provided by said owner) beyond 400 feet from the owner's nearest property line, and the owners of adjoining properties, within a ten year period, shall repay their proportionate share of the cost of such enlargement or extension without interest.

**X. Shall.** "Shall" shall mean that the regulation in which the word is used is mandatory; "should" indicates the recommendation of the District; and "may" denotes it is permissible.



**Y. Tap Permit.** "Tap permit" means that permit issued by the District to a holder to connect to the public water system.

## **ARTICLE II - BY-LAWS**

**Section 2.01. Board of Directors.** All powers, privileges and duties vested in or imposed upon this District by law shall be exercised and performed by and through the Board, whether set forth specifically or impliedly in these by-laws. The Board may delegate to officers and employees of the District any or all executive, administrative and ministerial powers.

### **Section 2.02. Office.**

**A. Business Office.** The principal business office of the District shall be in Evergreen, Colorado, unless otherwise designated.

**B. Establishing Other Offices and Relocation.** The Board, by resolution from time to time, may designate and locate and relocate its executive and business office and such other offices as, in its judgment, are needed to conduct the business of the District.

### **Section 2.03. Meetings.**

**A. Regular Meetings.** Regular meetings of the Board shall be held once each month at such place and at such time, with notice as required by law, designated by the Board within the Evergreen metropolitan area.

**B. Meetings Public.** All meetings of the Board shall be open to the public, except for executive sessions which are duly enacted pursuant to law.

**C. Special Meetings.** Special meetings shall be conducted after proper notice is given pursuant to statute.

### **Section 2.04. Conduct of Business.**

**A. Quorum.** No business of the Board of Directors shall be transacted, except at a regular or special meeting at which a quorum consisting of not less than three members of the Board of Directors shall be present.

**B. Vote Requirements.** Any action of the Board shall require the affirmative vote of the majority of the Directors present and voting.

**C. Order of Business.** The business of all regular meetings of the Board shall be transacted as far as practicable in the following order:

- (1) Roll call of members.
- (2) Reading and approval of the minutes of the previous meeting.
- (3) Consideration and payment of bills.
- (4) Hearings.
- (5) Reports of the officers, committees, and professional consultants.
- (6) Unfinished business.
- (7) New business and special orders.
- (8) Election matters and resolutions, election of Board officers, approval and determination of bonds at annual meeting.
- (9) Adjournment.

The secretary for the District shall prepare an agenda for each Board meeting.

**D. Resolutions and Orders.** Each and every action by the Board, necessary or proper for the government and management of the affairs of the District, for the execution of the powers vested in the District and for carrying into effect the provisions of Title 32, Part 1 of Article 4, C.R.S., shall be taken by the passage of resolutions or motions.

**E. Minute Book.** All resolutions and motions, within a reasonable time after their passage, shall be recorded in a book kept for that purpose and shall be signed by the members of the Board and attested by the secretary.

#### **Section 2.05. Officers and Personnel.**

**A. Qualifications and Terms.** The Board of Directors shall be qualified electors of the District. Each Board member shall sign an Oath of Office and supply at the expense of the District a faithful performance bond in no less sum than the amount required by law before assuming the duties of his office.

**B. Election of Officers.** The Board of Directors shall elect from its membership a president, a vice president, and a treasurer who shall be the officers of the Board of Directors and of the District and a secretary, who may be a member of the Board. The election of officers shall be held biennially following the biennial election of board members.

**C. Vacancies.** Any vacancy occurring in any office shall be filled for the unexpired term in the same manner as is provided for the election of full term officers.

**D. President.** The president shall preside at all meetings and shall be the chief executive officer of the District. Except as otherwise authorized by resolution, the president shall sign all contracts, deeds, notes, debentures, warrants and other instruments on behalf of the District.

**E. Vice President.** The vice president shall perform the duties of the president at such times as the president is unavailable to the District.

**F. Treasurer.** The treasurer shall be the chairman of the Budget Committee and shall supervise the financial records of the District. The treasurer shall be bonded, at the expense of the District, before assuming the duties of such office in such amounts as the Board from time to time may direct, but for no less than the amount required by law.

**G. Secretary.** The secretary shall keep a record of all proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees, and all corporate acts which shall be open to inspection of all electors, as well as to all other interested parties.

**H. Additional Duties.** The officers of the Board shall perform such other duties and functions as may from time to time be required by the Board, by the by-laws, or rules and regulations of the District or by special exigencies, which shall later be ratified by the Board.

**I. Additional Personnel.** The Board may appoint a Water System Operator, office manager, and/or such additional personnel as it deems necessary, who shall serve for such term and upon such conditions, including salary, as the Board may establish. Such personnel shall have such powers and duties as may be from time to time specifically assigned by the Board.

**J. Oath of Office.** Each member of the Board, before assuming the responsibilities of his office, shall take an oath of office as required by law.

#### **Section 2.06. Business Administration.**

**A. Fiscal Year.** The fiscal year of the District shall commence on January 1 of each year and end on December 31.

**B. Budget Committee.** There shall be a permanent committee of no fewer than three members, known as the Budget Committee, which shall be responsible for submitting a preliminary budget to the Board of Directors of the District in accordance with state statute.

**C. Budget.** On or before September 20 in any year in which the District is to levy an ad valorem tax, the Budget Committee shall prepare and submit to the Board of Directors a proposed budget for the ensuing year. Such proposed budget shall be accompanied by a statement which shall describe the important features of the budget plan and by a general summary wherein shall be set forth the aggregate figures of the budget in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated income or other means of financing the proposed budget for the ensuing fiscal year, as contrasted with the corresponding figures for the last completed fiscal year and the current fiscal year. It may be supported by explanatory schedules or statements classifying the expenditures contained therein by services, subjects and funds. The anticipated income of the District shall be classified according to the nature of receipts.

**D. Notice of Budget.** Upon receipt of such proposed budget, the Board of Directors shall cause to be published a notice that the proposed budget is open for inspection by the public at its business office; that the Board of Directors will consider the adoption of the proposed budget on a certain date; and that any interested taxpayer may inspect the proposed budget and file or register any objections thereto at any time prior to its final adoption. Notice shall be published in substantial compliance with Section §29-1-106, C.R.S.

**E. Adoption of Budget.** The budget shall be considered at the first regular meeting of the Board of Directors following the receipt of the proposed budget from the Budget Committee. The Board of Directors shall review the proposed budget and revise, alter, increase or decrease the items as it shall deem necessary in view of the needs of the various offices and the probable income of the District. The Board of Directors shall then adopt a budget setting forth the expenditures to be made in the ensuing fiscal year.

The Board of Directors shall provide for sufficient income to finance the budget, with special consideration given to the mill levy for the ensuing fiscal year.

**F. Levy and Collection of Taxes.** In accordance with time specified by State statute, the Board shall certify to the Board of County Commissioners of Jefferson County the necessary mill levy for the ensuing fiscal year, in order that, at the time and in the manner required by law for the levying of taxes, such commissioners shall levy such tax upon the assessed valuation of all taxable property within the District.

**G. Filing of Budget.** Upon the adoption of the budget, the Board shall cause a certified copy of such budget to be filed with the Division of Local Government of the Department of Local Affairs.

**H. Appropriating Resolution.**

(1) At the regular meeting held in the month of December or at any special meeting held before January 1 of the next fiscal year, the Board of Directors shall enact a resolution making appropriations for the fiscal year beginning January 1 next. The amounts appropriated for the several offices shall not exceed the amounts fixed therefor in the budget adopted pursuant to Section 2.06(E).

(2) The income of the District, as estimated in the budget and as provided for in the tax levy resolution and other revenue and borrowing resolutions, shall be allocated in the amounts and according to the funds specified in the budget for the purpose of meeting the expenditures authorized by the appropriation resolution.

(3) The Board of Directors may make an appropriation to and for a contingent fund to be used only in cases of emergency or other unforeseen contingencies.

## **I. Contingencies.**

(1) In cases of emergency caused by a natural disaster, public enemy, or some contingency which could not reasonably have been foreseen at the time of the adoption of the budget, the Board of Directors may authorize the expenditure of funds in excess of the budget by resolution duly adopted by a two thirds vote of the entire membership of the Board of Directors. Such resolution shall set forth in full the facts concerning the emergency.

(2) In such case of emergency, a copy of the resolution authorizing additional expenditures shall be filed with the Division of Local Government of the Department of Local Affairs in compliance with the statutes of the State of Colorado.

(3) Appropriate amendments to the budget and appropriation shall be filed in the event of any such contingency.

## **J. Payment of Contingencies.**

(1) If there are unspent or uncommitted sums in funds other than those to which the emergency relates, the Board of Directors shall transfer such available sums to the fund from which the emergency expenditure is to be paid.

(2) To the extent that transferable funds are insufficient to meet the emergency appropriation, the Board of Directors may borrow money through (a) the issuance of tax anticipation warrants, to the extent that the mill levy authority of the District is available, or (b) the issuance of debentures payable from bond proceeds or operating revenue.

## **K. Annual Audit.**

(1) The treasurer shall cause an annual audit to be made during the month of January of all financial affairs of the District through December 31 of the prior fiscal year; in all events, the audit report must be submitted to the District within three (3) months of the end of the prior fiscal year. Such audit shall be made by a registered or certified public accountant who is not otherwise employed by the District. The auditor shall prepare, and certify as to its accuracy, an audit report, including a financial statement based on such audit, pursuant to statutory requirements. Said financial statement, as certified, shall be published in a newspaper of general circulation within the District in one issue within thirty (30) days following completion of the audit.

(2) A copy of the audit report shall be maintained in the District office as a public record for public inspection at all reasonable times.

(3) The treasurer shall forward a copy of said audit report to the State Auditor, or other relevant State official, pursuant to statutory requirements, within thirty (30) days following completion of the audit.

**L. Personnel Selection and Tenure.** The selection of agents, engineers, accountants, special consultants, attorneys and other employees of the District by the Board shall be based upon the relative qualifications and capabilities of the applicants and shall not be based on political services or affiliations. Agents and employees shall hold their offices during the pleasure of the Board. Contracts for professional services of engineers, accountants, special consultants and attorneys may be entered into on such terms and conditions as may seem reasonable and proper to the Board.

**Section 2.07. Corporate Seal.** The seal of the District shall be a circle containing the name of the District and shall be used in all places and in such manner as seals generally are used by public and private corporations. The secretary shall have custody of the seal and shall be responsible for its safe keeping and care.

**Section 2.08. Conflict of Interest.**

**A. Refrain from Participation.** Any member of the Board who is present at a meeting at which is discussed any matter in which he has, directly or indirectly, a private pecuniary or property interest shall disclose his interest, shall refrain from advocating for or against the matter, and shall not vote in respect to such matter. Such interested director shall not be counted for purposes of constituting a quorum.

**B. Official Interest Only.** No member of the Board shall be interested in any contract or transaction with the District, directly or indirectly, except in his official representative capacity.

**Section 2.09. Indemnification of Directors.** Any person who at any time shall serve, or shall have served, as director or officer of the District, and the heirs, executors, and administrators of such person, shall be indemnified by the District against all costs and expenses, including, but not limited to, counsel fees, amounts of judgments paid and amounts paid in settlement, reasonably incurred in connection with the defense of any claim, action, suit or proceeding, whether civil, criminal, administrative or other, in which he or they may be involved by virtue of such person's being or having been such director or officer; provided, however, that such indemnity shall not be operative with respect to (a) any matter as to which such person shall have been finally adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of his duties as such director or officer, or (b) any matter settled or compromised, unless, in the opinion of Directors, there is not reasonable ground for such person's being adjudged liable for negligence or misconduct in the performance of his duties as such director or officer, or (c) any amount paid or payable to the District by other enterprise. The

foregoing indemnification shall be deemed exclusive of any other rights to which those indemnified may be entitled under any law, agreement or otherwise.

**Section 2.10. Powers of the Board of Directors.** Without prejudice to the general powers conferred by law and by Section 1.01 herein, it is hereby expressly declared that the Directors shall have the following powers and duties:

**A.** From time to time to make and change these rules and regulations, not inconsistent with law, for the management of business and affairs of the District.

**B.** To confer by resolution upon any appointed officer of the District the power to choose, remove or suspend employees or agents, upon such terms and conditions as may seem fair and just and in the best interests of the District.

**C.** To determine and designate, except as otherwise provided by law or these by-laws, who shall be authorized to make purchases, negotiate leases for office space, sign receipts, endorsements, checks, releases and other documents.

**D.** To create standing or special committees and delegate such power and authority thereto as the Board deems necessary and proper to the performance of its functions and obligations.

**E.** To prepare a report covering each year's activities, including a financial statement. Said report, if requested, shall be submitted to the Board and made available to the public on or before April 1 following the end of that year.

**F.** To aid in financing regional studies and plans relating to water.

**G.** To enter into contracts with taxpayers within the District which allow such taxpayers to construct waterlines within any unserved area and to connect the same with the waterlines of the District, provided that the plans and specifications for such lines shall be prepared by the engineer or Water System Operator, such contract should permit all proceeds (other than service charges) derived from water fees from such area to be applied on the payment of the cost of the construction within ten (10) years from the date of such contract.

**H.** To divide the District into areas in accordance with the water facilities furnished or to be furnished in such areas and, in the event the Board finds it infeasible, impractical or undesirable for the good of the entire District to extend waterlines or to furnish water facilities to any part of the District, to designate such areas not to be served with water facilities by an appropriate resolution.

**Section 2.11. Modification of Rules and Regulations .** These Rules and Regulations may be altered, amended or repealed at any regular meeting of the Board of Directors or at any special meeting of the Board called for that purpose.

### **ARTICLE III - GENERAL PROVISIONS**

**Section 3.01. Requisites.** Before any connection is made to the public water system, a permit shall be obtained from the District and the required fees, costs and charges therefor shall be paid as established by the Board. No permit to tap onto the District water system shall be issued until the customer has provided the District with evidence that the bottom of the leaching field trench of the sewage disposal system of the property to be served has been excavated to a depth of not less than 3 feet from the surface and that the invert of the leaching field system tile line has been placed at least 30 inches below the ground surface. Evaporative septic disposal systems are expressly prohibited. Application for such permit shall be made to the District at least two weeks prior to the date for connection on the form or forms furnished for such purposes by the District. **[Amended July 5, 1990]**

#### **Section 3.02. Independent Connections.**

**A.** Each parcel of land in separate ownership shall have an independent connection to the facilities of the District and shall not be interconnected with any other water system or water source, unless specifically authorized by the Board.

**B.** Where a parcel of land has more than one separate building thereon, a service line from the main dwelling unit may be extended to any other building only upon such terms and conditions as shall be approved by the Board.

**C.** Where a parcel of land has more than one separate building thereon, under conditions of a unified development and under one ownership, application may be made to the Board of Directors for a single service line to such development. The Board will determine initially whether single service will be permitted and upon what conditions, and may then enter into an agreement setting forth such conditions. Such an agreement shall run with the land and shall be recorded in the records of the Jefferson County Clerk.

**D.** The effective date of this policy shall be October 12, 1999.

**Section 3.03. Disconnection.** No service line connected to the public water system shall be disconnected therefrom without the prior approval of the District or its designee by obtaining a permit which shall specify how the disconnection shall be properly sealed to prevent foreign water from entering the public water system. All disconnections must be made at that point where the service line actually physically connects the public water system.



**Section 3.04. Service Line Maintenance.** It shall be the responsibility of the property owner to maintain his water service line in good repair at all times and to preserve the proper connection of the service line to the water system of the District. A water service line is not the property of the District and, while the District maintains a right to inspect and ensure proper maintenance, it shall have no liability whatsoever in respect thereto. See also Section 8.15.

**Section 3.05. Inspection of Property.** The District or its designee shall have the right to enter upon any premises being served by the public water system of the District, at any reasonable hour, to ascertain whether the provisions of these rules and regulations are being complied with, and for the purpose of inspecting the connections and facilities of the District.

**Section 3.06. Cancellation of Tap Permit and Refund of Fees.** The District reserves the right to revoke a permit previously granted before service has been provided. A tap permit does not bind the holder to "use" the service. Such tap permit shall be retained along with fees paid to the District until the beginning of the District's winter moratorium on excavation. If the holder has not then requested service, the Board, at its sole discretion, may revoke the tap permit and refund fees paid without interest. **[Amended May 14, 1996].**

**Section 3.07. Denial of Tap Permit.** The District reserves the right to deny application for service on the following grounds:

- (1) That connection of the system to applicant's existing plumbing would constitute a cross-connection to an unsafe water supply; or
- (2) That the service applied for would create an excessive seasonal or other demand upon the facilities; or
- (3) That the District does not have adequate water to serve additional structures.

**Section 3.08. Change in Customer's Equipment or Service.** Prior to making any change in water service or meter installation, a customer shall file an amended application with the District at least forty-eight (48) hours prior to making the proposed change. No change in the customer's equipment or service shall be made without the prior approval of the District being first obtained.

**Section 3.09. Restriction of Use.** All service to water customers within the District shall be subject to proration and/or curtailment as necessitated by conditions imposed by the District's Augmentation Plan, by consumptive use within the District, and by available water supply requirements imposed by the State Engineer. All persons shall regularly observe the most reasonable conservation practices so that water is neither wasted nor consumed unproductively. It is recognized that the order of water use priorities within the District are as follows:

- (1) Residential.

- (2) Governmental units.
- (3) Commercial, including hotels and motels.
- (4) All other uses.

**Section 3.10. Termination of Service.** No person shall ever obtain, claim or assert any perpetual easement in (a) any right to water services or (b) mains or connections under any contract, and such person shall be bound by all rules and regulations adopted by the District, as altered and amended from time to time governing the administration, use and charges for water service from the public water system.

**Section 3.11. Service Limitations.** Prohibitions and limitations, which may be contained within any contractual agreement of the District with any other governmental body, shall also constitute prohibitions and limitations by any customer of the facilities of the District, except as may be provided by special permit.

**Section 3.12. Easements.** Where any water main is not installed in a public right-of-way or deeded street, the property owner or petitioner requesting such extension or inclusion shall provide the District, by formal conveyance, with a thirty (30) foot exclusive easement or a fifty (50) foot non-exclusive easement on the forms and in the manner prescribed by the District.

#### **ARTICLE IV - LICENSES**

**Section 4.01. License Required.** No person shall connect to, disconnect, or repair any lines or facilities of the public water system without first obtaining a license to do so from the District. Where a stop box is installed, a homeowner, tenant or plumber may repair or install a water service line within that portion of the line from building to stop box without obtaining a license.

**Section 4.02. Application for License.** Applications for licenses under these Rules and Regulations shall be filed at the District office on forms provided by the District.

**Section 4.03. Requirements for Issuance of License.** No contractor's license shall be issued after the date of adoption of these rules and regulations by the District to any applicant, until such person has fully satisfied the Board or its representative as to the adequacy of the applicant's experience, construction equipment and financial ability. An applicant shall file with the District:

- (a) Certificate of insurance indicating the applicant has public liability and property damage insurance in an amount as set forth in Appendix A; and
- (b) A certificate of compliance with the Workmen's Compensation Act of Colorado.

The applicant shall also pay such fee as shall be, from time to time, fixed or prescribed by the Board. See Section 8.02 and Appendix A. [Amended 04/01/92]

**Section 4.04. Issuance of License.** Licenses of the District shall be granted by the action of the Board or its authorized representative. The Board, in its sole discretion, may prescribe conditions and requirements necessary for obtaining the same in addition to those prescribed above.

**Section 4.05. Revocation or Suspension of License.** The license of any contractor licensed by the District may be revoked or suspended for such time, not to exceed one year, as shall appear proper to the Board of Directors for violation of these rules and regulations. In the event of any such violation, written charges specifying such violation or violations shall be filed with the secretary of the Board and the Board shall set a time for hearing thereon and shall give notice by registered mail directed to the licensee at the address given on his application, or later furnished the Board in writing, at least five (5) days prior to the time of said hearing. Such notice shall suspend the contractor's license until the hearing. At such hearing, the licensee shall be entitled to appear in person and/or by attorney and a full hearing shall be held. The action of the Board of Directors shall be final.

**Section 4.06. Licensed Contractor Not to Allow Others to Use Name.** No licensed contractor shall allow his name to be used, directly or indirectly, by any other person to obtain a permit to perform any work within the District. In the event of violation of this sub-section, such licensed contractor may be prohibited from performing any work within the District for a period not to exceed one (1) year.

**Section 4.07. Time Limit of License.** No license issued after the adoption of these rules and regulations for a licensed contractor shall be valid for a period to exceed one (1) year, but a licensed contractor who has faithfully performed work within the District and has fully complied with these rules and regulations may renew such license for an additional period of one (1) year upon payment of the fee prescribed in Appendix A.

## ARTICLE V - PERMITS

**Section 5.01. Permit Required.** Before connection or disconnection to any existing water system, or an extension of the public water system, the contractor or owner shall obtain a permit from the District and pay the required connection fee as established from time to time by the Board of Directors of the District and listed in Appendix A. [Amended May 14, 1996].

**Section 5.02. Application for Permit.** Application for such permit shall be made to the District on the form or forms furnished for such purposes by the District. The applicant shall provide a full description of the work to be performed, the legal description of the property to be

served, the name of the licensed contractor performing the work under the permit, and such other information as may be required by the District.

**Section 5.03. Payment of Fees.** Before the issuance of any permit for connection with the facilities of the District, all fees, costs and charges required by the District shall first be paid. The District may, in its sole discretion and from time to time, increase or decrease such fees as it deems necessary for the best interest of the District; provided that such fees shall be uniform for all properties within the same classification and that the Board may establish different fees for properties classified by type or use, quantity or classification of water to be withdrawn from the facilities of the District. **[Amended May 14, 1996].**

**Section 5.04. Separate Permits.** Each connection or disconnection to the public water system shall require a separate permit. A permit shall be limited to one connection or disconnection.

**Section 5.05. Revocation or Suspension of Permit.** Any permit shall be subject to revocation by the District, or the permit may be suspended by the District's representative, if the installation or use of the service line is not made in accordance with the permit, these rules and regulations, or any governing rule of the District.

**Section 5.06. Time Limit of Permit.** Permits to tap the District water system shall only be valid for a time up to and including the last day prior to the beginning of the winter moratorium on excavation, which moratorium is the soonest to follow payment of all required fees, costs and charges. In order for any extension connection to be made, a new permit shall first be obtained as outlined above in this Article V. **[Amended May 14, 1996].**

**Section 5.07. Authorized Taps and Connections.** All taps and connections made to a public waterline must be made by the Water System Operator or his designee after the property owner first obtains a tap permit. Unauthorized connections or repairs may be disconnected or altered, in the sole discretion of the Board, and such necessary expense charged against the property. In the event that a licensed contractor shall make an unauthorized connection, he may, in the discretion of the Board, be prohibited from doing any work within the District.

**Section 5.08. Unauthorized Disconnections.** Any and all disconnections made to a public waterline without the approval of the Board and inspection by the Water System Operator or his designee, or any violation of these rules and regulations by any person, shall permit the District or any of its authorized personnel to make a proper disconnection. Such costs of disconnection, until paid, shall constitute a perpetual lien against such property. In the event that the licensed contractor shall make an unauthorized disconnection, he may, in the discretion of the Board, be prohibited from doing any work within the District.

**Section 5.09. Stub-In Permit.** A stub-in permit allows the partial connection of a service line to the facilities of the District so as to accommodate the installation of the service

line within a public street, road or designated right-of-way without disturbing the future surfacing of same and where a separate building has not been, nor is in the process of being, constructed on that parcel of land. The Board may issue such a permit, in its discretion, upon such terms and conditions as it deems necessary. Additionally, the Board may require maps, surveys or other documents fixing the location of such stub-in to the public water system, and such conditions, limitations and restrictions as it deems to be in the best interests of the District.

**Section 5.10. Special Permits.** A special permit must be obtained from the Board of Directors of the District for any use not specifically allowed, defining the conditions, limitation and restrictions prescribed by the District therefor and the amount, category and classification of fees and charges, if any, as determined by the Board to be for the best interest of the District and the inhabitants thereof.

**Section 5.11. Other Permits.** No permit issued by the District shall be considered as authority for making any cut in a road or street, nor in lieu of any permit required by any other regulatory body. Any permit or authorization required by law or by the rules or regulations of any other agency or governing body having jurisdiction over such property or persons shall be secured before any work is commenced.

**Section 5.12. Separate Trenches and Inspection.** No water service line shall be laid under any sewer service line or leaching fields. Water and sewer service lines shall be horizontally separated from septic systems or leaching fields by such minimum as may be prescribed by any regulatory authority in any given case. The entire water service line must be approved by the Water System Operator or his designee before the trench is filled and any trench filled before such approval is obtained may be required to be fully reopened at the expense of the contractor for proper inspection. Bids for construction shall be mandatory for projects exceeding \$100,000 in costs.

## ARTICLE VI - PUBLIC WATER SYSTEM EXTENSIONS

**Section 6.01. Application for Water Main Extension.** An application upon a form prescribed by the District for a water main extension shall be submitted to the Board of Directors for their consideration at a regular meeting of the Board. The applicant shall be subject to a funding agreement if required by the Board of Directors, which will provide for reimbursement to the District for engineering, legal and consulting costs related to the proposed extension. Attached to the application shall be a check in the amount prescribed by the Board as a preliminary deposit for engineering and consultant services related to the extension. The application shall contain a description of the property for which service is requested and a copy of the recorded plat. Upon deposit of a pre-design fee, such application will be referred to the District engineer who will then design and prepare the necessary drawings and recommendations. Where necessary, rights-of-way or easements shall be provided to the District without charge.

**Section 6.02. Deposit on Estimated Construction Cost.** The District engineer will submit the extension design as well as an estimated cost of the required water main extension to the District. Upon notice of said estimated cost to the applicant, applicant will deposit 10% of the estimated extension cost with the District. The District engineer will be notified of the deposit and finish the design and specifications of the water main extension.

**Section 6.03. Bids for Construction.** After approval of the requested extension has been granted by the Board and by any other relevant agencies and governmental authorities, the District engineer will prepare all necessary plans, specifications, bidding forms and contracts for the construction of the proposed extension.

**Section 6.04. Deposit of Total Costs.** After bids are received and opened, applicant shall deposit the total amount of the construction costs with the District. The District shall notify the engineer of the total deposit and the Notice to Proceed will be issued.

**Section 6.05. Engineering and Observation of Construction.** All water main extensions constructed within the District connecting into the public water system shall be planned and designed with materials and workmanship specified by the District's engineer. All construction shall be under the direction and control of the District's engineer, who will also determine any location, width and extent of a required right-of-way not within the public streets.

**Section 6.06. Cost of Construction.** The applicant shall pay all costs of the construction of the line extension, including such engineering fees as prescribed by the Board, and any costs or expenses of easements or rights-of-way as required by such line extension.

**Section 6.07. Contract.** Upon receipt of the funds necessary for the construction cost, contingency costs, and other incidental costs, the District shall enter into a contract with the successful bidder for the construction of the water main extension. The successful bidder will provide to the District a certificate of public liability and property damage insurance, a certificate showing compliance with the Worker's Compensation Act of Colorado, and a performance and payment bond equal to the contract price of the facility. The bond shall guarantee the faithful performance of the contract, the payment of all persons furnishing labor and materials under the contract, and the repair and/or replacement for the period of one (1) year of any faulty work or materials.

**Section 6.08. Construction/Payments.** During construction, and, based on field inspections by the District engineer, payments shall be made to the contractor on a monthly basis by the District, with the funds that were deposited by the applicant.

**Section 6.09. Advertisement/Acceptance.** After the water main extension is completed, the District shall allow a period of time for advertisement to ensure that all parties who have a claim in the project have an opportunity to claim those funds which may be due to them. No water main extension will be accepted by the District for ownership and maintenance until

satisfactory evidence is furnished to the District reflecting full payment for all construction cost, required fees, and the assignment of all rights by the owner of the guarantee required as a part of the District's standard specifications.

**Section 6.10. Accounting of Project Costs.** In the event it becomes evident that deposited amounts by the applicant are insufficient, the District shall notify the applicant and request additional funding to cover project costs. When the District determines the final completion of the water line extension project, an accounting of the project funds shall occur, and any remaining funds deposited by applicant shall be returned to applicant. In the event of a short fall, the applicant shall be invoiced for additional charges.

**Section 6.11. Sub-Area Designation and Charges.** The Board may by resolution divide the District into areas in accordance with the water facilities furnished therein within a reasonable time. The sub-area designations may be made in conjunction with any area encompassed by a line extension agreement. Different fees or charges may be assessed in the sub-area by resolution of the Board and proceeds therefrom may be applied to reimbursements provided in recovery back and line extension agreements. Such fees or charges shall be known as "connection fee surcharges" or "special connection fees" as provided in Article VIII and shall be set in accordance with the provisions of Section 32-1-1006(1)(b)(II), C.R.S. [**Amended May 14, 1996**].

**Section 6.12. Line Extension Agreements and Assessments.** A line extension agreement may, at the option of the District, be entered into between the party responsible for costs of the water line extension ("Sponsor") and the District providing for reimbursement to the Sponsor of certain construction costs, whereby the District shall collect from all persons desiring to connect to a water main line or facility installed by the District, a fee based on the connector's proportionate share of the usage of the line as compared to the estimated usage of the line extension as a whole. The District Engineer shall determine both the proportionate share and the estimated usage in relation to the total cost of the water line.

The assessments for line extensions against the benefitted properties shall not exceed the actual construction cost of the extension, plus legal, engineering, and administrative costs, and the costs of acquiring any easements or rights-of-way. Before charging any assessment, the District shall set a maximum charge per unit of line capacity. No assessment shall exceed the maximum figure. All assessments for line extensions shall be due and payable at the time the tap permit is issued. Until paid, all assessments shall constitute a perpetual lien on and against the property served.

**Section 6.13. Reimbursements.** If the line extension agreement between the Land Owner or Developer and the District provides for the reimbursement to the Landowner or Developer of construction and other costs as stated above, the District shall reimburse to the constructor of water line or facility for assessments collected for a period to be determined in the line extension agreement not to exceed fifteen (15) years from the date of the execution of the

line extension agreement, without interest added. The Landowner or Developer shall not be entitled to receive assessments for any portion of the total construction costs which was contributed by the District. The Landowner's or Developer's right to such charges shall cease at the end of the agreed period. In no case shall the reimbursement exceed the total construction cost of the line.

**Section 6.14. Notification of Readiness.** The applicant for the building water service permit shall notify the inspector when the service is ready for inspection and connection to the public water main twenty-four (24) hours in advance of such inspection. This 24-hour notice is also required for all tap connections to the main water line.

**Section 6.15. Revocation of Contractor's License.** The violation of any of these rules and regulations, or the District's installation specifications, shall constitute sufficient grounds for revocation of a contractor's license as provided in Section 4.05.

## **ARTICLE VII - INCLUSION AND EXCLUSION OF PROPERTY**

**Section 7.01. Inclusion.** Where it is desirable and technically feasible to provide water service to property outside the District, it shall be necessary prior to providing such service to formally extend the boundaries of the District pursuant to statutory requirements to include said property. The costs of any inclusion shall be paid by the person petitioning for such inclusion as hereinafter provided. The petitioner shall deposit the amount listed in Appendix A with such petition and the District may impose additional charge or obligation for any inclusion.

**Section 7.02. Inclusion Procedure.** The procedure for inclusion is provided under Title 32 of the Colorado statutes. That procedure is abstracted here in order that the person petitioning inclusion may be advised of the principal requirements.

**A.** A person desiring to include lands without District boundaries should first contact the Board in order to determine whether or not the District's facilities are physically capable of serving such property.

**B.** Once it is decided that the District's facilities may serve such property, the person making such petition for inclusion shall furnish a complete and accurate legal description of such property to the District on such petition forms as are prescribed by the Board. The petition shall be submitted by the fee owner or owners and acknowledged in the same manner as required for the conveyance of land. The petition shall be submitted with the amount listed in Appendix A.

**C.** The District's attorney will then review the petition to be certain it meets all legal requirements. The petition will be presented to the Board at a regular meeting and the petitioner may attend such meeting to formally present the petition. Once presented to the Board, the president will cause the petition to be published in a newspaper of local circulation in the District



setting forth the time and place for a formal hearing on the petition. The newspaper publication requires about thirty (30) days to complete. No person signing such petition shall be permitted to withdraw the petition after consideration by the Board.

**D.** Upon completion of publication and payment of the requisite fees, the Board may formally approve the petition, such decision being final and conclusive, and, if approved, shall request the District's attorney to obtain a court decree ordering the inclusion of the petitioned property into the District. A certified copy of the court order will then be recorded in the County Clerk and Recorder's Office, at which time the property becomes included within the District's boundaries. The County Assessor, County Treasurer, and Division of Local Government will also be provided with a copy of such order.

**Section 7.03. Exclusion.** The owner of any property lying within the boundaries of the District, which is not receiving water service from the District, may petition the Board of Directors for exclusion pursuant to the procedures set forth in Title 32 of the Colorado statutes, as the same is amended from time to time.

## **ARTICLE VIII - FEES, CHARGES, RATES & TOLLS**

**Section 8.01. Fees and Service Charges for Water.** From and after adoption of these rules and regulations, all fees, charges, rates and tolls to be established within the District may be hereafter established from time to time by formal resolution of the Board at a regularly constituted meeting or meetings of the District.

**Section 8.02. License Fee.** Each applicant for a contractor's license under Article IV to do business within the District as a licensed plumber or contractor shall pay the following fees:

**A.** For processing, consideration of the applicant, and administration of the license, for the calendar year in which the license is issued, a fee in the amount listed in Appendix A.

**B.** For renewal of the license in each continuous year after the original issuance, a fee in the amount listed in Appendix A.

**Section 8.03. Inspection Fee.** For each connection to or disconnection from District facilities, there shall be paid to the District, before issuance of a permit to connect or disconnect, a fee for each inspection of the service line construction in the amount listed in Appendix A.

**Section 8.04. Maintenance Fee.** For each call to any premises to turn water on or off, other than the original turn on, a fee in the amount listed in Appendix A. The District reserves the right to impose additional hourly charges in the event more than one hour is required for any inspection or service by the District at any premise.

**Section 8.05. Connection Fee.** A connection fee currently in effect at time of application shall be charged by the District for each connection to the public water system of the District for a single family dwelling. A connection fee for a multiple dwelling, hotel, motel, commercial building, or industrial use shall be determined from time to time by the Board of Directors upon individual application for such tap, depending upon the nature, size and use to be made by reason of such connection, but in no event shall the fee be less than the connection fee currently in effect or the equivalent provided in Appendix A, whichever sum is higher. In the event an applicant desires a tap for a structure other than a single family dwelling for a property on which a connection fee has previously been paid, the applicant for such tap shall be entitled to a credit for the amount previously paid for such connection or tap to such property toward the cost of the tap for such structure. Connection fees must be paid-in-full at least 7 calendar days prior to the beginning of the District's winter moratorium on excavation. Connection fees and permits are not transferable or refundable and may be used only on the property to which assigned or to any adjoining property, if such two properties are under common ownership. **[Amended May 14, 1996].**

**Section 8.06. Special Connection Fee.** Wherever under these rules and regulations a special permit is required for a connection, before issuance of such a permit the Board shall prescribe whatever terms, restrictions, conditions, charges and costs as are considered necessary by the Board and its engineer. In no event, however, shall the charge for such permit be less than the basic permit fees.

**Section 8.07. Inclusion and Exclusion Fee.** In cases of inclusion or exclusion of property, the Board will determine the amount of the fee and the conditions for inclusion or exclusion to be imposed upon the lands sought to be included or excluded, which fees shall include the estimated cost of legal and engineering services to the District, payable in advance to the District. **[Amended August 13, 1996].**

**Section 8.08. System Development Fee.** In the event that any activities or developments within the District result or may result in significant changes in population density, demands upon the water system beyond the requirements of normal single residential units situated on individual building sites, or require development of services and facilities of the District to provide water in excess of two (2) units within a single structure, then the Board of Directors may, at its sole discretion, require the owner or developer of such property requiring such water demands to compensate the District by means of a system development charge.

**Section 8.09. Property Transfer Fee.** In the event of a transfer of property ownership due to the sale of a property within the District, the District shall charge a Property Transfer Fee to cover its costs in updating its customer records.

**Section 8.10. Water Service Charges-Rate.**

**A. Meters.** All taps for multiple dwellings, hotels, motels, commercial and industrial uses of District water, regardless of zoning classification, shall be metered. The District shall purchase and install meters for all such taps existing prior to December 12, 1995. Meters for all such taps made after December 12, 1995 shall be purchased by the applicant. The cost of replacement meters or repairs, when necessary according to the District, shall be billed to property owners. Water service rates for metered applications shall be uniformly charged by the volume of water provided. Authorized District personnel shall be granted free access to read or service the meters at all reasonable hours. The District reserves the right to require the installation of water meters on other water uses. When utilized by the District, meters shall be installed at a location designated by the District engineer or his designee and shall be at or above ground level, unless the Board of Directors consents in writing that the meter may be installed beneath the surface of the ground. Meters shall be of a make, style and model designated by the District for the particular application. It shall be the applicant's obligation to install meters at the direction of and under the supervision of the District engineer or his designee. Upon installation, the District shall own all water meters. **[Amended December 12, 1995].**

**B. Turn Off During Nonuse.** Residents who have properties which are used only during summer months or on an interim basis may request turn off of water during those nonuse periods, so long as the following requirements are met:

- (1) The turn off is for a minimum of one-quarter and not more than three-quarters.
- (2) There must be an adequate stop box, and the turn off shall be made by the District at the stop box.
- (3) All bills owing on the property must be paid prior to any turn off.
- (4) The property owner must pay the District in advance for the turn off and turn on fee in the amount as stated in Appendix A.

**C. Statements.** Statements shall be submitted quarterly in advance for non-metered customers and quarterly at the conclusion of each quarter for metered customers. Statements shall be submitted to customers and are due on the first day of the new quarter. They shall become delinquent after thirty (30) days of that date. Delinquencies shall bear a service fee charge in the amount listed in Appendix A.

**D. Returned Check Charge.** A charge in the amount listed in Appendix A shall be made on all customers' checks returned by the bank for nonpayment.

**E. Termination of Service for Nonpayment.** Payments for water service shall be due on the first day of each quarter. Service shall be terminated and water turned off if account is one hundred twenty (120) days in arrears. Notice of pending turn off shall be mailed to the last

known address of property owner when account is sixty (60) days in arrears. Notice shall be sent by regular mail and electronically if available. Payment in the amount listed in Appendix A shall be charged when water is turned off.

**F. Repeatedly Past Due Accounts.** If the account of any customer receiving water services from the District is unpaid more than 45 days after the date when payment is due in any two-quarters, continued water service shall be available only upon payment of all past due charges and the deposit of water service fees in advance for each subsequent quarter. In the event that advance deposit for water service fees is not received, the District reserves all remedies available to it under the law, including, but not limited to, filing a lien as described in Section 8.12 for unpaid fees against such property and/or terminating water service to such property.

**G. Certification to County Treasurer.** In addition to those remedies set forth in paragraphs E. and F. above, the District may exercise its statutory right to certify delinquent accounts to the Jefferson County Treasurer for collection, in circumstances where the delinquency is in an amount greater than \$150.00, and six months or more past due. Additional charges for certification shall be as set forth in Appendix A of these Rules and Regulations.

**Section 8.11. Readiness-to-Serve Charge.** When waterlines are installed and ready for connection within one hundred (100) feet of any property line of any lot or lot equivalent within the District, but no connection to the District water distribution system has been made, then the owner of the property shall be charged a readiness-to-serve charge in the amount listed in Appendix A for each such lot, such charges to be made and paid at the same time and subject to the same conditions as pertain to non-metered water customers.

**Section 8.12. Water Development Fee.**

[Repealed May 14, 1996, effective July 1, 1996].

**Section 8.13. Right to Lien and Lien Fee and Costs of Collection.** [Amended September 1, 1988].

**A.** Until paid, all rates, tolls, fees or charges of the District shall constitute a first and perpetual lien on and against the property served and any such lien may be foreclosed in the manner provided by the laws of the State of Colorado pertaining to water districts. [Amended September 1, 1988].

**B.** In the event that the District decides to file a lien against a property for non-payment of fees owed to the District, an additional sum of \$175.00 shall be charged against the property for attorneys' fees associated with the filing and release of the lien, inclusive of any costs involved in recording and releasing of any lien. [Amended July 13, 2010, August 10, 2010].

C. In the event that the District is required to initiate measures or court proceedings for the collection of sums due it, there shall be added to the original sum due, all costs of such measures or proceedings to collect such sums, including reasonable attorneys' fees. [**Amended September 1, 1988**].

**Section 8.14. Disconnection of Service.** Except under emergency conditions, the District will deliver by hand or mail to the customer whose service is about to be terminated a shut off notice; said shut off notice will require the bill be paid within forty-eight (48) hours of the time of service of the notice. If neither the water customer nor the occupant can be located for personal service, it shall be lawful to attach the said notice to the front door.

**Section 8.15. Title to Lines and Facilities.** All lines of this District, whether laid in a public street, right-of-way or easement, other than those lines commonly denoted as service lines, shall upon completion and acceptance by the District become and are the property of the District whether such lines were laid by private individuals, firms or corporations or by the District, and no person, firm, or corporation shall have any right, title or interest in such lines. Any recovery back contract, if granted by the District, shall only bestow a contractual right in the contracting parties to receive money in accordance with the terms thereof, and never indirectly or by inference be deemed or interpreted by the parties to convey any right, title or interest in said lines to any person other than the District.

**Section 8.16. Freezing Weather Precautions.**

A. It shall be the duty of each customer connected with the District's water system to ensure that his or her plumbing is properly constructed, insulated, and heated in such a manner as necessary to prevent freezing and breaking of such plumbing which might damage the District's system.

B. It shall be the duty of each customer to notify the District office in a timely manner if a leak or break in that customer's service line or plumbing occurs which would adversely affect the District's system and to shut off or cause to be shut off water service until such leak or break is repaired.

C. In the event that a customer does not so notify the District office and a leak or break in the customer's service line or plumbing results in freezing or other damage to the District's system, that customer shall pay the cost of all water loss and materials and labor required to restore the District's system to its condition prior to the break. These costs shall be charged in addition to all other fees and charges by the District. See also Section 5.04.

D. It shall be the duty of each customer or owner to notify the District office in a timely manner if the property is to be unoccupied for more than one week during the months of October through April, and to take measures to shut-off water to the property at the stop box as defined in Section 1.03 above, so as to prevent freeze-ups, leaks and potential damage to the District's

system. Failure to notify the District or to take the steps required to shut-off the water resulting in damage to the District's system will subject the owner or customer to damages for loss of water and/or damage to the District's system.

**Section 8.17. Turn-Offs for Nonpayment of Services Charges.**

A. The Board may authorize a turn-off of water service to any customer where the occupant or owners have failed to make timely payment of assessed service charges or special assessments. Accounts which are 30 days or more delinquent shall be subject to a turn-off instruction from the Board. Fees for turn-offs shall be as set forth in Appendix "A" attached.

B. The effective date of this amendment shall be customer's property must be installed, inspected and approved before main line tapping can be performed and permitted.

- (3) Galvanized pipe is prohibited underground in any section of the District.
- (4) No taps shall be permitted within three (3) feet of any fitting or connection of the main waterline.
- (5) All lines must be tested and proven watertight under pressure not less than one hundred fifty (150) pounds or the working pressure under which it is to be used.
- (6) No waterline shall be backfilled or covered until all work is approved by the District's engineer or his designee.
- (7) The rules and regulations for backfilling are as follows: (a) the first two (2) feet of backfill must consist of a fine material with particles of not over one (1) inch in size; (b) no backfilling will be done until all work is inspected, approved and tested by the District; and (c) all main line trenches are to be tamped with a compaction machine, including the line to the property stop box from the main line.
- (8) Any problems arising that are not covered by these specifications and the rules and regulations of the District will be settled by the District's engineer and his decision shall be final.

**Section 9.02. Water Meter.** No water meter shall be connected to any service line, unless such water meter has been approved by the District. Any water meter bought by the District for such purposes shall be of the size, dimension, type and make as the Board shall from time to time direct, as it sees fit for the best interest of the District and its inhabitants, keeping in mind the needs, health and requirements of said inhabitants.

**Section 9.03. Curb Stop Box.** The stop box shall be of the "arch pattern" type or any other make that has a positive attachment of stationary rod to the curb stop extending upwards inside the curb stop box. Maintenance of the stop box is the responsibility of the owner.

**A.** The stop box valve shall be a stop and waste type with a positive stop at full open and full closed.

**Section 9.04. Inspection of Stop Box.** Inspections shall be made on all connections, valves, meters and meter boxes of service lines prior to commencement of service and trenches shall not be filled until such inspections are made and approval obtained.

**Section 9.05. Thaw Wire.** A thaw wire of four (4) gauge copper line shall be connected at corporation cock and extend to stop box.

**Section 9.06. Waterlines.** The laying, trenching, and standards of care relating to the installation of waterlines shall be at least equal to those imposed from time to time by the State of Colorado Department of Health. No permit shall issue until all plans and specifications for such waterlines are approved by the Board and no inspections will be approved or accepted, unless approved by the Board or its designee. All waterlines shall conform with the Technical Specifications set forth in Section 9.01.

**Section 9.07. Fire Hydrants.** All water mains which shall be used to serve fire hydrants shall be installed in public rights-of-way or proper easements, as specified above, and all lines shall be installed in accordance with all applicable District regulations concerning line extensions.

**Section 9.08. Maintenance.** The District shall assume no responsibility or liability for the operation nor the maintenance of any service line, nor for any requirements of other governmental bodies in the making of connections of service lines with the public water system.

**Section 9.09. Water Prohibitions.**

**A.** No person shall connect, directly or indirectly, any well or any other source of water to the public water system, or to any line through which any water of the District flows. No water from any source other than that of the District shall be introduced or permitted in the public water system. The District shall have the right to immediately disconnect from the public water system any connection or plumbing which is found to be in violation of these rules and regulations at the expense of the property owner, and the cost thereof, until paid, shall constitute a lien against the property.

**B.** In the discretion of the Board at times of emergency or during a water shortage, the Board may limit or curtail the use of water and prohibit any use of water in violation of such limitation and curtailment.

**Section 9.10. Road and Street Cuts.** Water mains shall not be uncovered without prior permission of the District.

**Section 9.11. Notice of Connection.** Twenty-four (24) hour notice shall be given to the District at any time a service line connection is requested.

## **ARTICLE X - WELLS AND WATER RIGHTS**

**Section 10.01. Extension Policy.** In all cases where the public water system is not within four hundred (400) feet of the nearest corner of any lot within the District and the owner of such lot desires to erect a dwelling or commercial building on such property, the District may, at its sole option:

**A.** Build the water system at its expense to a point within four hundred (400) feet of the nearest property line of the property desiring service or authorize a licensed contractor to build the water system.

**B.** Enter into a recovery back contract with any person extending the public water system on terms to be mutually agreed upon; provided said contract is for a period not to exceed ten (10) years beyond the date of completion of the extended public water system and no interest shall be allowed on the cost investment.

**C.** Permit such owner to construct a domestic well according to the terms and conditions of this section and consistent with any restriction which may appear upon recorded subdivision plats in effect. This option shall be exercised only when the Board finds that it is in the interest of the public health, safety and general welfare of the District to permit a well to be constructed and is the only presently available means of furnishing potable water to such property without an exorbitant cost.

**D.** Owners of adjoining lots may replat such adjoining lots and eliminate readiness-to-serve charges, if the replatting of such consolidated lot shall contain a restriction with reversionary clause that only one structure may be erected or constructed thereon.

**E.** Nothing in this policy statement shall repeal or modify the principle that it is to the best interest of the inhabitants of the District for the District to own, maintain and operate a public water system wherever it is financially and economically possible for the District to do so.

**Section 10.02. Approval to Construct a Well.** In all cases where application is made to the Colorado Division of Water Resources for the right to construct a domestic well within the District, the owner of the land involved shall secure an approval from the District to construct such a well. Such approval shall be by a majority vote of the members of the Board at a regular meeting, who shall make a finding as required by Section 10.01(C) hereof, and shall impose such



other and additional terms upon the applicant as the Board may deem fit to impose. In no event may a well serve more than three (3) dwellings. Any well serving more than one (1) dwelling shall be subject to District control, even though such well is not owned by the District.

**Section 10.03. Approval Fee to Construct a Well.** All requests for approval of a well application shall be accompanied by a certified or cashier's check in an amount equal to the current well permit fee payable to the District from each customer of the well, which check shall be cashed by the District upon granting its approval for such well, and such funds shall be placed in the trust fund for the uses and purposes set forth in Section 8.11 of these rules and regulations. In the event any approval for a well is granted, the owner shall apply for and obtain the requisite permit from the Colorado Division of Water Resources and from any other legal entity having jurisdiction before such well shall be drilled, and the District shall have no obligation or responsibility in obtaining or maintaining such authority and right, other than to indicate that the District has granted approval for the well to be drilled. **[Amended May 14, 1996].**

**Section 10.04. Construction of Well.** When all authorizations have been granted to drill the well, it shall be located at a point agreed upon by the District and the owner. An access or right-of-way twenty (20) feet in width, on right-of-way forms used by the District, shall be granted to the District from the public highway to the well site. Such right-of-way shall continue as long as the well is used. The District shall have the right to inspect the well at any time. The District shall have the right to permit other adjoining landowners to connect to a privately owned well with permission of the well owner upon payment of the well permit fee in the amount listed in Appendix A. All costs of maintenance and operation of the well shall be shared pro rata by its customers. **[Amended May 14, 1996 and March 6, 1997].**

**Section 10.05. Information Prior to Use.** The owner shall, within thirty (30) days after the well is completed and in any event before any occupancy permit for the structure in which the water is to be used is issued, furnish the District with:

- (a) Cost of the well, excluding the private service line to the structure.
- (b) As-built plan for the well.
- (c) Tests of the well indicating fitness for domestic purposes.
- (d) Capacity of the well.
- (e) Name and address of the company drilling the well.
- (f) Date well was put in service.

**Section 10.06. Purchase of Well by District.** At any time from the date the well is first put to domestic service, the District has the right to acquire the well for the cost thereof as certified at the time of completion reduced ten percent per year for each year since the well was first completed. Such cost shall be paid to the then owner or owners of the real property on which the well is located and to owners of property sharing in the cost of the well pro rata. If the well is acquired by the District, the customers of the well shall be subject to the water rates and charges of the District and shall pay a fee as provided by contract between the customers and the

District. Nothing in these rules or in the well permit shall be read to compel the District to purchase any well in the future. If service from the District becomes available within 400 feet of a property on which a permitted well exists, the District may in its sole discretion compel connection to the District's system as provided by law, without purchasing the well. [Amended July 5, 1990]

**Section 10.07. Well Permit.** It is the express policy of the District not to issue any permit for a well if the use of the permit will require the District to provide augmentation facilities or replacements and if a plan for a septic system for the structures being erected or any structure to be placed or existing on the land does not completely isolate the well from contamination of any sort from the septic system. All permits issued are subject to compliance with state law and regulations regarding domestic wells.

**Section 10.08. No Connection.** In no event may the water from any permit well be connected to the water system of the District without express written approval of the Board of Directors.

**Section 10.09. Owner's Liability for Well.** The owner of a permit well shall assume all responsibility and liability for such well, its operation and maintenance.

**Section 10.10. Abandonment of Wells.** Well Owners connecting to the District's water system shall, upon the connection, abandon Owner's private well. Abandonment of the well shall be done in conformance with the protocols established by the Colorado State Engineer, Division of Water Resources, as they may be amended from time to time.

## **ARTICLE XI - PROVISIONS RELATING TO CLAIMS AND RESPONSIBILITIES**

**Section 11.01. Claims Against District.** In the event any person shall have a claim of any kind against the District whatsoever, such person shall, within ninety (90) days after the event which gave rise to such claim, advise the secretary of the District, by written notice, of any intent to make a claim. In the notice, such person shall accurately describe the date and location of the event, the name of the person or persons entitled to relief, a general statement of the nature of the claim, and the amount of damages suffered and relief requested. Unless expressly asserted as herein provided and within the ninety (90) day period, no claim will be recognized by the District and any claim, unless so timely made, shall be deemed waived by such person entitled to assert the same and shall thereafter be barred.

**Section 11.02. Policy.** The District is responsible for the distribution of water for domestic use to residents within the District and the maintenance, repair and replacement of all mains, hydrants, valves, and service facilities owned by the District, but shall not be liable or

responsible for inadequate pressure or interruption of service brought about by circumstances beyond its control.

**Section 11.03. Liability.** No claim for damage shall be made against the District by reason of the following:

- (a) Breaking of any service or supply pipe or cock or meter by any employee of the District.
- (b) Failure of the water supply.
- (c) Shutting off or turning on water in the water mains.
- (d) The making of connections or extensions.
- (e) Damage to personal property by reason of water being turned on or off in the service pipe by the District's employees.
- (f) Damage caused by water running or escaping from open or defective faucets.
- (g) Burst service pipes or other facilities now owned by the District.
- (h) Damage to water heaters, boilers or other appliances resulting from shutting water off or turning it on, or from inadequate or sporadic pressures.
- (i) For doing anything to the water system of the District deemed necessary by the Board of Directors or its agents.

**Section 11.04. Responsibilities of the Customer.**

**A.** Each customer shall be responsible for installing and maintaining the entire length of his water service line. Leaks or breaks in the service lines shall be repaired by a licensed contractor employed by the property owner within 72 hours after the said owner has been given notification of such condition by the District; provided, however, that in the event the District's agent has reason to believe that leaks or breaks in the water service line may cause damage to the District's fundamental distribution system, the District shall have the power and authority to immediately shut off service until the leak or break has been repaired. In the event a customer repairs the service line with an unlicensed contractor, he shall, in the event such lines require repair or improvements, have the same inspected by the District before service is again furnished.

**B.** It shall be the duty of all property owners connected with the water system of the District to keep advised of varying temperatures, pressures and conditions of service so as to properly protect their persons and property from injury by water furnished through the District's facilities. See also Section 8.15. Neither the stop box nor the corporation cock at the main are equipped with waste valves, so that if water service is turned off at either location, water then in the service line and internal plumbing will remain unless drained. Draining of the service line and internal plumbing shall be the sole responsibility of the property owner. Every service line connected to the District's system shall be equipped with a stop box and PRV valve, and the District assumes no liability for any failure by a property owner to properly install and maintain

such equipment. All persons having boilers or other appliances on their premises depending on water pressure or water in pipes or on a continued supply of water shall provide, at their own expense, suitable safety appliances to protect themselves and their property against an interruption of water service or loss of pressure.

**C.** Every stop box shall be exposed and workable and provide a meter yoke in the appropriate place. Failure to install, make workable, and expose the stop box shall constitute a right by the District to install, make workable and/or expose the stop box at the cost and expense of the property owner. All costs of such installation, repair, maintenance and exposure shall constitute a perpetual lien against the property affected.

**D.** The property owner is specifically liable for charges of the District. The District hereby assumes no responsibility for any agreements between landlords and tenants, regardless of how made, and regardless of whether the District has been notified of such agreements.

**E.** Effective May 31, 1977, all conveyances and transfers of real property lying within the District shall be reported in writing to the secretary of the District showing the name and mailing address of the seller, the name and mailing address of the purchaser, and a description of the land conveyed. The duty to make such a report shall be the joint and separate responsibility of the seller and the purchaser.

**F.** The District assumes no responsibility for agreements between vendors and vendees. It shall be the responsibility of the vendee to ascertain whether the tap charges have been paid by the vendor. Regardless of ownership or of the failure of the District to collect tap charges at the time of the issuance of permits, or any other act or omission of the District, unpaid tap charges shall constitute a first and perpetual lien on and against the property, which lien may be foreclosed as provided by Colorado statute.

**G. Swimming Pools, Cisterns and Spas.** It shall be the duty of customers within the Brook Forest Water District with the following facilities to report their existence to the District Manager:

- a. Swimming Pools;
- b. Cisterns in excess of 500 gallons;
- c. Spas in excess of 500 gallons.

While the above referenced facilities are permissible, connection of any such facilities to the Brook Forest Water District water system is prohibited. Any such facilities shall be filled and replenished from independent water sources and shall have no physical plumbing connection to the residential water system, a service line or the District's mains.

The District may, at its expense, and at the direction of the Board, cause metering devices to be installed at the service lines of any properties which have any of the above referenced facilities which are subject to this provision.

**Section 11.05. Use of Hydrant Wrench or Valve Shut Off Key.** A hydrant wrench or valve shut off key may be used only by the designees of the Board of Directors.

**Section 11.06. Protection From Damage.**

**A.** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the waterworks, including fire hydrants.

**B.** No person or persons shall, without explicit permission from the District's Operator or the Board of Directors of the District, engage in any activity inclusive of operation, construction, modification, or excavation affecting the District's water system, including any water lines, valves and fire hydrants. Any person or persons violating this provision shall be subject to immediate legal action seeking injunction and damages.

**Section 11.07. Violations of Rules and Regulations.**

**A.** Any person found to be violating any of the provisions of these rules and regulations shall be served with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof.

**B.** Any person who shall continue any violation beyond the time limit established in Section 11.07(A) shall be subject to disconnection of service without warning or notice and shall be subject to all fees and charges as provided herein.

**C.** Any person violating any of the provisions of these rules and regulations shall become liable to the Board for any expense, loss, or damage occasioned by reason of such violation.

**ARTICLE XII - CONSTRUCTION OF RULES & REGULATIONS**

**Section 12.01. Interpretation.** Any dispute as to the interpretation of these rules and regulations, or as to their application in any given case, shall be submitted to the Board of Directors and the Board's decision thereon shall be final and conclusive.

**Section 12.02. Headings.** The headings which appear in the by-laws and rules and regulations are for the purpose of identification and do not constitute any part of the by-laws or rules and regulations.

**Section 12.03. Severability.** If any provisions of these by-laws or rules and regulations are held invalid, for whatever reason, by a court of competent jurisdiction, as part of a judgment, judicial decree or court order, or otherwise, such adjudication shall not affect in any manner or particular any of the other provisions contained in these by-laws or in these rules and regulations, and the remaining by-laws or rules and regulations shall remain in full force and effect.

### **ARTICLE XIII - PROMULGATION OF RULES & REGULATIONS**

**Section 13.01. Reservation of Right to Change Regulations.** The Board and the District reserve the right and authority to change these rules and regulations at any time in the manner now or hereafter provided by law.

**Section 13.02. Limitation.** These By-Laws or Rules and Regulations are an implementation on the part of the Board of some of the powers conferred upon the Board by statute. These by-laws or rules and regulations are in no way to be construed as a limitation upon the powers of the Board, nor as an expression of the Board on only so much of its powers as it intends to use.

**BROOK FOREST WATER DISTRICT**

**APPENDIX A**

The following is a schedule of District fees effective 09/16/86 and revised 03/02/89, 04/01/92, 2/13/96, 5/14/96, 8/13/96, 01/01/2002, 3/31/2004, 07/13/2010 and 07/01/2015.

**ARTICLE IV - LICENSES**

**Section 4.03. Requirements for Issuance of License.**

Certificate of Insurance naming the Brook Forest Water District as insured for at least \$1,000,000. Amended 07/01/2015

**ARTICLE VIII - FEES, CHARGES, RATES AND TOLLS**

**Section 8.02. License Fee.**

- A. License - \$50.00
- B. License Renewal - \$25.00

**Section 8.03. Inspection Fee - \$100.00**

**Section 8.04. Maintenance Fee - \$15.00 (includes seasonal requests for turn-on/turn-off)**

**Section 8.05. Connection Fee - \$15,000.00 Effective 01/01/2014**

**Section 8.07. Inclusion and Exclusion.**

Application Deposit - To be determined, case-by-case.  
Amended 8/13/96

**Section 8.09. Property Transfer Fee - A transfer fee of \$150.00 shall be collected for each modification of the District's ownership records as required by the transfer of property from Seller to Buyer.**

**Section 8.10. Water Service Charges-Rates**

- A. Single family house- \$120.00 per quarter **Effective 01/01/2015**
- B. Commercial Metered connections: **Amended 10/21/97, effective 1/1/98**  
Minimum quarterly charge - \$180.00 per quarter  
The following metered rates otherwise apply:  

<u>Gallons per Quarter-Year</u>	<u>Charge per 1,000 Gallons</u>
---------------------------------	---------------------------------

0 - 100,000	\$ 6.30
100,001 - 200,000	\$ 6.60
200,001 - 300,000	\$ 6.90
300,001 - above	\$ 10.00

B(1) Rate During Non-Use (same as readiness-to-serve charge) - \$60.00/Qtr.

C. Water Service Fee Table

Billing Dates	Due Dates	1 <sup>st</sup> Late Fee added & invoiced	2 <sup>nd</sup> Late Fee added & invoiced 60 Day Notice of Shut Off Issued	Water Shut Off
January 1	January 31	February 1	March 1	May 1
April 1	April 30	May 1	June 1	August 1
July 1	July 31	August 1	September 1	November 1
October 1	October 31	November 1	December 1	February 1
\$120		\$20	\$30	\$50*

\*50.00 Stop Box Shut-Off Fee. \$15.00 will be charged to turn on water service at the Stop Box.

Commercial Accounts: Late fee Charges - 16.67% of minimum service fee of \$180 or metered usage, whichever is higher.

D. Returned check charge - \$30.00

E. Water turn off charge: Termination of Service for Nonpayment - \$50.00

G. Collection of Delinquent Accounts / Liens and Certifications to County Treasurer:

Lien Charge: \$175.00

Certification Fee: \$175.00

No payment within 60 days of due date will result in Statement of Lien being placed on the property and legal costs of \$175.00 being added to the amount due. No payment by October 1 of respective calendar year may result in certification of the delinquent account, including an additional \$175.00 certification fee, to the Jefferson County Treasurer for collection with ad valorem taxes. **[Amended July 13, 2010]**



Section 8.11. Readiness-to-Serve Charge - \$60.00 per quarter (**Effective 1/1/15**)

Section 8.12. Water Development Fee [**Repealed 5/14/96, eff.7/1/96**]

Section 8.17. Turn-Off for Nonpayment of Service Charges:

- (a) First turn-off within two year period: \$ 100.00
- (b) Second turn-off within two year period: \$ 250.00
- (c) Third turn-off within two year period: \$ 500.00
- (d) Fourth turn-off or more within two year period: to be determined by Board.  
**[Amended 2/18/2004, effective 3/31/2004].**

#### ARTICLE X - WELLS AND WATER RIGHTS

Section 10.03-04. Well Permit Fee - \$1,800.00 [**Amended 5/14/96**]