

SECTION 1

PURPOSE AND POLICIES

These Rules and Regulations have been enacted to serve the public in securing the health, safety, and general welfare of the inhabitants of the Southwest Suburban Denver Water and Sanitation District and to assist the District's Board of Directors in the administration and operation of the District. The sole authority for the operation of the District is vested in the Board of Directors by the Colorado Special District Act, C.R.S. Sections §32-1-101 to §32-1-1307 and §32-4-113.

The District is subject to the Rules and Regulations of the Denver Water Board, Metro Wastewater Reclamation District and other governmental regulatory agencies. Compliance with the District's Rules and Regulations does not ensure compliance with other regulatory agencies' requirements.

Any ambiguity, conflict, omission or question of interpretation will be determined at the discretion of the Board. Further, the Board reserves the right to change, alter or amend these Rules and Regulations as it deems necessary. Any such alterations, additions or amendments shall be binding and of full force and effect as of the date such changes were approved by the Board of Directors. An asterisk, " * ", by a section number or a subsection denotes a revision or addition has been made effective the date indicated on the Footnote Key page. An asterisk, " * ", by an Article title indicates the entire Article has been added or changed effective the date indicated on the Footnote Key page.

SECTION 2

DEFINITIONS

As used in these Rules and Regulations, unless the context shall otherwise require, the words defined in this section shall have the meanings herein ascribed:

- A. **ACTUAL COST:** All direct costs applicable to the construction of a given main, including construction, engineering, legal, inspection, plan approval fees and other costs.
- *6 B. **AVERAGE ANNUAL WATER USAGE (AAWU):** Annual average water usage in gallons is determined by adding together the three lowest monthly water meter readings taken from a location by Denver Water for the 12 months preceding the District's annual budget hearing and multiplying the sum by four.
- C. **BIOCHEMICAL OXYGEN DEMAND (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade, expressed in milligrams per liter.
- D. **BOARD:** The elected or appointed Board of Directors of the Southwest Suburban Denver Water and Sanitation District.
- E. **CROSS CONNECTION:** A physical linkage permanently or temporarily connecting a water source of a lesser quality than prescribed in the Colorado Department of Health's Drinking Water Regulations to the distribution system serving a public water system.
- F. **DENVER:** The terms "Denver" and "City of Denver" whenever used in these Rules and Regulations are synonymous and refer to the City and County of Denver.
- G. **DENVER WATER:** The terms "Denver Water", "Water Department", and "Denver Water Department" whenever used in these Rules and Regulations are synonymous and refer to that agency under the control of the Denver Board of Water Commissioners as defined by Section C4.19 of the Charter of the City and County of Denver, upon which this District relies for its supply of water and maintenance and operation of the water system within the District boundaries.
- H. **DENVER WASTEWATER:** The terms "Denver Wastewater," "Wastewater," and "Denver Wastewater Management" whenever used in these Rules and Regulations refer to Denver Wastewater Management.
- I. **DISTRICT:** The Southwest Suburban Denver Water and Sanitation District.
- J. **ENGINEER:** Person or firm that has contracted to do engineering work for the District including but not limited to engineering design, field inspections, surveying and other engineering related services.

- K. FEE SCHEDULE:** A list of current fees charged by the District. Fees are subject to change without notice. The Fee Schedule can be obtained by contacting the District's Management Company.
- L. GARBAGE:** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- M. LICENSED PLUMBER OR UTILITY CONTRACTOR:** A person who has been approved to work in the District and who is licensed by applicable municipality or the State of Colorado.
- N. MANAGER:** The person duly appointed by the Board to administer the affairs of the Board as well as the Board's employees, if any.
- O. METRO WASTEWATER RECLAMATION DISTRICT (Metro Wastewater):** The term "Metro Wastewater" whenever used in these Rules and Regulations shall mean the Metro Wastewater Reclamation District which is responsible to the District for continuation of transportation of sanitary waste and the treatment thereof.
- P. NATURAL OUTLET:** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- Q. NON-RESIDENTIAL WASTES:** The liquid wastes from non-residential processes, trade, or business as distinct from domestic sanitary sewage.
- R. OWNER-DEVELOPER:** The builder(s), landowner(s), developer(s), subdivider(s), agency(ies), or person(s) actually paying for the construction of mains, and/or physical tap permits.
- S. PERSON:** Shall mean any individual, firm, corporation, association, company, group or society.
- T. pH:** The common logarithm of the reciprocal of the mass of hydrogen ions in grams per liter of solution.
- U. SANITARY SEWER SYSTEM:** All facilities for collecting, storing, transporting, pumping, treating, measuring, etc., sewage.
- V. SERVICE LINE:** Any pipe, not owned by the District, used to provide water or sewer service to a building or premises from the District's water or sewer mains.
- W. SEWER MAINS:** Any pipe, piping or system of piping 8 inches in diameter or larger used as a conduit for the sewage in the District's sanitary sewer system.
- X. SEWER MAIN EXTENSION:** Any pipe, piping or system of piping 8 inches in diameter or larger used as a conduit for the sewage in the District's sanitary sewer system in addition to the existing sewer system.

Y. STUB-IN: A service line connected to a District sewer or water main, for which a tap permit and use of the system has not been granted, and which extends to any point from the property line to within five feet of the building foundation for single family residential use, and for commercial and multi-family use, which extends to any point from the property line to inside the building foundation, to which no inside building plumbing fixtures have been connected.

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Z. SYSTEM DEVELOPMENT FEES: Charges assessed to an applicant by both the District and Metro Wastewater Reclamation District for permission to connect to and use the District's sanitary sewer system which is connected to the Metro Wastewater Reclamation District's treatment plant through contracts with the District. Charges are assessed upon application for a new tap or change of an existing tap and are based on the size of the water meter for the facility. These charges may be used to finance system improvements and additions, including but not limited to capital improvements and replacements, or for capital reserves, or for the retirement of debt incurred for existing facilities. The District collects fees on behalf of both entities and distributes the funds accordingly.

AA. TAP OR CONNECTION: The physical connection of a service line to a main.

BB. USER: Any person or entity to whom water and/or sewer service is provided, including renter, record owner, corporation, company individual, etc.

CC. WATER MAINS: Any pipe, piping or system of piping 8 inches in diameter or larger, used for distributing water along public streets or appropriate rights-of-way or easements directly to various licensed premises within the District's boundaries.

DD. WATER SYSTEM: The plant, facilities, system and assets controlled by the Denver Water Department.

SECTION 2

FOOTNOTE KEY

- *1 October, 1990 Revisions - Name change only of Metro Sewerage Disposal District #1 to Metro Wastewater Reclamation District #1.
- *2 January, 2008 Revisions – Complete reorganization and revision of the entire Rules & Regulations.
- *3 July, 2008 Revisions
- *4 January, 2009 Revisions
- *5 July, 2009 Revisions
- *6 January, 2011 Revisions
- *7 January, 2012 Revisions
- *8 January, 2013 Revisions
- *9 January, 2014 Revisions

SECTION 3

AVAILABILITY OF SERVICE

The District has limited capacity for single-family or equivalent water and sewer service taps within its boundaries.

The District will certify to availability of water and sewer service to the extent of its capacity for single-family dwelling units. Certification of availability of water and sewer service for all multi-family dwelling units, commercial and industrial users will be reviewed by the Board of Directors upon individual application therefor.

Inclusion of land into the District boundaries must be approved by the Board of Directors, and the District may warrant availability of water and sewer service to lands so included.

The District does not warrant the delivery of specific quantities of water, nor does it undertake to maintain water pressure sufficiently high enough to operate sprinkling systems, automatic household appliances, or other equipment dependent on water pressure for their operation. No allowance will be made by way of reduction on demand, contract, readiness to serve, or minimum charges for reduction in quantities of water normally delivered caused by failure of supply, line breaks, or restrictions placed on use of water during times of shortage or low pressure. During periods of short supply, the District will act as an agent for all of its users and endeavor to ensure each a fair and equal share of the water available. To this end, the District may impose sprinkling restrictions or other water conservation measures.

SECTION 4

VIOLATIONS, DISCONTINUATION OF SERVICE, AND ENFORCEMENT & COLLECTIONS

ARTICLE I

VIOLATIONS

- *6 4.101 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 generally providing a reasonable time limit for satisfactory correction thereof. In an emergency situation a verbal notice may be given to the violator followed by a written notice. All notices that are required by statute to be mailed certified, return receipt requested shall be mailed in such manner.

Any person violating any of the provisions of the Rules and Regulations shall become liable to the District for any expense, loss or damage occasioned by reason of such violation and for any fines imposed.

Violations of any of the provisions of the District's Rules and Regulations may also result in the discontinuation of water service depending on the nature of the violation. Each violation will be reviewed by the District's Board and a determination made as to what action will be taken by the District.

ARTICLE II

DISCONTINUATION OF SERVICE

- 4.201 Upon compliance with the procedures set forth herein, the District may discontinue water and/or sewer service to any parcel of real property for nonpayment of system development fees, service fees or similar charges, or for failure to comply with any of the requirements of the District's Rules and Regulations.

- 4.202 The following procedure will be adhered to prior to the discontinuation of water service for nonpayment of charges:

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- A. When any charges have become delinquent, the District will mail or deliver to any person (or entity) liable therefore, at the service address and known current mailing address, a notice (the "Notice") advising such person (i) of the amount claimed to be due, including any delinquent charges; (ii) that water service will be discontinued for nonpayment of charges 5 days after notice is received, unless full payment of all amounts due is received before that date; (iii) that said person has the right to a hearing concerning the alleged delinquency or the

correctness of the amount claimed prior to discontinuation; and (iv) that said person must request such hearing at least 2 days before the discontinuation date specified in the Notice.

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B. If the responsible party fails to request such hearing within the time provided, the District will arrange to have the water service for the premises for which charges are delinquent discontinued forthwith and assess a water turn off fee that must be paid in addition to all other past due amounts.

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C. If the responsible party makes timely request, the District's Manager will promptly notify the responsible party of the date of the next regularly scheduled board meeting at which a hearing will be scheduled. The responsible party may be represented by counsel at the hearing. The scope of inquiry at such hearing will be limited to whether the charges are delinquent and whether the amount claimed is in fact owed, in full or in part. The Board will state their decision in writing. Discontinuation of water service will be stayed until the Board holds the hearing and renders the decision.

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D. All amounts found to be due and owing by the District's Board will be paid on the same business day that the Board renders its decision; provided, however, that upon an adequate showing of mitigating circumstances by the responsible party, the Board may extend the stay for up to ten (10) days following the date of the decision. If payment is not made as required herein, the District will arrange to have the water service for the premises for which charges are delinquent discontinued forthwith and assess a water turn off fee that must be paid in addition to all other past due amounts .

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E. All past due accounts must be paid in full or the amounts found to be due by the Board must be paid in full. The District will then notify the Denver Water Department to allow resumption of service. In addition to paying the District's water turn on fee, the owner may be required to pay a reconnection fee to Denver Water to have service reconnected. Reconnection will be made in accordance with the District's agreement with the Denver Water Department.

ARTICLE III

ENFORCEMENT AND COLLECTIONS

4.301 All fees and charges imposed by the District will become a lien as set forth in section 4.302A below, on the property to which services are provided from the date said charges become due until said charges are paid. The property owner will be liable for all fees and charges for uses on his or her premises. In case the tenant in possession of any premises shall pay the charges due, it shall relieve the owner from such obligations and lien, but the District hereby assumes no responsibility for any agreements between landlords and tenants, regardless of how made or whether the District was notified of such agreements and shall not be required to seek payment from any person whomsoever other than the owner. No change in ownership or occupation shall affect the application of this Section and the failure of any owner to discover that he or she purchased property against which a lien exists shall in no way affect his or her liability for such payment in full.

4.302 In addition to any other remedies available to the District, including the remedy of discontinuation of water service set forth in Article II above, the District may take the following action upon failure to pay any charges or fees by the date specified as due upon the bill or when they are otherwise due:

- A. The District may foreclose the perpetual lien placed on and against the property served in the same manner as provided by the law of the State of Colorado for the foreclosure of mechanics' liens (C.R.S. §38-22-101, et. seq.). The District shall take all necessary and proper steps to assure the enforcement and payment of charges assessed pursuant to this Article.
- B. The District may maintain an action for the amount of charges due in a court of competent jurisdiction including interest as allowed by law.
- C. The District may certify the amount of any charge due to the County Treasurer to become an assessment upon the property served to be collected in the same manner provided by law for the collection of general property taxes.