

**RULES AND REGULATIONS FOR  
EAST DILLON WATER DISTRICT  
WATER SERVICE**

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**TABLE OF CONTENTS**

**ARTICLE I – GENERAL ..... 1**

    1.1 Purpose..... 1

    1.2 Statutory Authority ..... 1

    1.3 Definitions ..... 1

    1.4 Ownership and Transfer of Water Taps..... 3

    1.5 Amendment..... 3

    1.6 Waiver, Suspension, or Modification of Rules ..... 3

**ARTICLE II – OWNERSHIP AND OPERATION..... 4**

    2.1 Policy ..... 4

    2.2 Liability of District ..... 4

    2.3 Powers and Authority of Administrator and Operations Manager ..... 4

    2.4 Service Lines..... 4

    2.5 Water Meters..... 4

    2.6 Curb Stop and Box..... 4

    2.7 Ownership of Water System Facilities ..... 5

    2.8 Existence of Rights-of-Way and Easements..... 5

    2.9 Conditions of Ownership ..... 5

    2.10 Water Access ..... 5

    2.11 Violator’s Liability ..... 6

**ARTICLE III – WATER SERVICE..... 6**

    3.1 General..... 6

    3.2 Powers..... 6

    3.3 Policy ..... 6

    3.4 Availability of Service ..... 6

    3.5 Limitations on New Connections or Taps ..... 6

    3.6 Allocation of New Connections or Taps..... 6

    3.7 Ability to Serve Letter ..... 7

    3.8 Return Flows and Augmentation Plans..... 7

    3.9 Disturbance of District Facilities ..... 7

    3.10 Connection to Water System ..... 7

    3.11 New Account Application..... 7

    3.12 Denial of Application for Service ..... 7

    3.13 Meter Sizing and Maintenance ..... 8

    3.14 Connection Fees..... 8

    3.15 Tap Fee Deferral ..... 8

    3.16 New Accounts..... 8

    3.17 Inclusions of Property into the District..... 9

    3.18 Limitations on Use and Increase in Water Demand ..... 9

    3.19 Expiration of Tap Permit ..... 9

    3.20 Intergovernmental Agreements..... 10

    3.21 Line Locations ..... 10

    3.22 Scheduling Service or Inspections ..... 10

    3.23 Pressure Reducing Valve ..... 10

    3.24 Repair of Water Service..... 10

    3.25 Maintaining Fire Hydrant Clearances..... 10

    3.26 Construction Water / Fire Hydrant Meter Assemblies..... 11

    3.27 Efficient and Beneficial Water Use ..... 11

    3.28 Waste of Water Provided..... 11

    3.29 Water Usage Guidelines and Water Restriction Policies..... 11

<b>ARTICLE IV – SERVICES AND CHARGES.....</b>	<b>12</b>
4.1 Service Inside District.....	12
4.2 Service Outside District.....	13
4.3 Application for Service Outside District.....	13
4.4 Denial of Application.....	13
4.5 Change in Customer’s Equipment or Service.....	13
4.6 Metering of Services.....	13
4.7 Rates, Charges, Fees.....	13
4.8 Billing.....	14
4.9 Liens for Unpaid Charges.....	14
4.10 Owner Responsibility.....	14
4.11 Collections on Delinquent Accounts.....	14
4.12 Unauthorized Connections.....	15
4.13 Special Charges for Unauthorized Use or Connection.....	15
<b>ARTICLE V – CONSTRUCTION OF SERVICE LINES.....</b>	<b>15</b>
5.1 Connection Tap and Service Lines.....	16
5.2 Meter Settings and Cross-Connection.....	18
5.3 Installation.....	18
5.4 Maintenance.....	18
5.5 Meter Pits and Vaults.....	18
5.6 Meter By-pass.....	18
5.7 Cross-Connection Policy.....	18
<b>ARTICLE IV – WATER SYSTEM EXTENSIONS.....</b>	<b>19</b>
6.1 Water System Extensions General.....	19
6.2 Water Main Line Extensions by the District.....	19
6.3 Water Main Sizes.....	19
6.4 Location of Main Line Extensions.....	19
6.5 Water Main Extension Rebate.....	20
6.6 Conditions and Design Criteria.....	20
6.7 Approval Process.....	20
6.8 Construction.....	21
6.9 Final Acceptance.....	21
6.10 Costs of Installation.....	22
<b>ARTICLE VII – HEARING, SETTLEMENT AND APPEAL PROCEDURES.....</b>	<b>22</b>
7.1 Penalties and Remedies.....	22
7.2 Procedure.....	22
7.3 Protection of Public Welfare.....	23
<b>EXHIBIT A – SERVICE LINE CONSTRUCTION STANDARDS.....</b>	<b>24</b>
<b>EXHIBIT B – WATER MAIN CONSTRUCTION STANDARDS.....</b>	<b>26</b>
<b>EXHIBIT C – STANDARD DRAWINGS.....</b>	<b>28</b>
<b>EXHIBIT D – BYLAWS.....</b>	<b>39</b>
<b>EXHIBIT E – CURRENT RATE SCHEDULE.....</b>	<b>50</b>

## ARTICLE I - GENERAL

1.1 Purpose. The purpose of these consolidated Rules and Regulations is to ensure orderly and uniform administration of water operations within the service area of the East Dillon Water District located in Summit County, Colorado. These Rules and Regulations are also necessary to promote the financial security of the District. The objectives of these Rules and Regulations are:

- A) To provide a safe water supply in accordance with State and Federal Laws;
- B) To protect the water supply, distribution, storage and pumping facilities from contamination or tampering;
- C) To provide uninterrupted water service;
- D) To manage current water supplies while making a commitment to obtain additional reliable sources in the future; and
- E) To strongly encourage water conservation through public education, written material through the District newsletter and by requiring water saving irrigation techniques.

1.2 Statutory Authority. The East Dillon Water District is a Special District organized to provide water service and is a political subdivision of the State of Colorado. These Rules and Regulations are specifically promulgated pursuant to and for the purposes of carrying out the objectives and purposes stated in the Special District Act, C.R.S. § 32-1-101, et seq. and set forth uniform requirements for Customers and enable the District to comply with all applicable State and Federal Laws, including the Safe Drinking Water Act.

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

“Actual cost” shall mean all direct costs applicable to the construction of a given infrastructure project including without limitation construction, engineering, inspection, and plan approval fees.

“Administrator” shall mean the Administrator of the District or his designee(s). The Administrator shall be appointed by the Board, and shall be responsible for the daily business operations of the District.

“Base Service Rate” is a billing rate per SFE, specific to a Customer’s place of water use determines a portion or total of the Charge due from the Customer to the District, before inclusion of charges for water use.

“Board” shall mean the elected Board of Directors which is the governing body of the District; provided, a quorum consisting of at least three (3) Directors shall be required to vote on District business at any regular or special meeting of the Board.

“Charge” is the total or portion of any amount of money due from a Customer to the District.

“Constructor” shall mean any person desiring to construct an extension of or connection to any of the District’s water distribution or sewage collection systems or other District infrastructure.

“Customer” shall mean any person using water or connecting to the District’s water distribution system.

“District” shall mean the East Dillon Water District.

“Inclusion Fee” shall mean the fee paid by a property owner or developer upon inclusion of property into the boundaries of the District.

“Irrigation Account” service is defined as a separately metered service for a property not associated with a structure(s), which shall be subject to irrigation service rates.

“Operator or Operations Manager” means the person authorized by the Board of Directors to manage, administer and supervise the Water System of the District as the Operator in Responsible Charge as provided by Colorado law.

“Oversize” shall mean to construct lines in which the inside diameter of the line exceeds the need of an individual Customer and which is sized and installed with the contemplated purpose of serving more Customers than those contemplated by the constructor of the lines.

“Person” shall mean any individual, firm, company, corporation, association, society, joint venture, partnership, entity, municipality, quasi-municipality or any governmental unit or any subdivision thereof.

“Private Main” is any water distribution main that is connected to the District system but not accepted for District ownership, operation, maintenance or repair. Generally, such an installation is designated as private because: (a) it does not conform to the specifications in these Rules and Regulations and the District’s Standard Specifications for Main Construction; (b) it is not in the best interest of the District to accept the Main because of special and/or mitigating circumstances; (c) legal title to the Main cannot be transferred free and clear to the District; or (d) the owner of the Main does not wish to convey the Main to the District.

“Residential Unit” is a single dwelling unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. If areas within a structure or house are designed or arranged with the capability for occupancy that is independent of the rest of the household, that area is classified as a separate Residential Unit. Examples of a Residential Unit include but are not limited to: single family home, condominium, townhouse, duplex, multiplex, apartment, studio, lock-off, mobile home, etc. A Residential Unit is equal to 1.0 SFE. Refer to the definition of Single Family Equivalent (SFE).

“Service Line” shall mean the pipe, line or conduit from either the District’s water distribution main or a private main to the structure it is to serve.

“Single Family Equivalent” (SFE) is an annual water demand equal to that of a single family dwelling unit. An SFE multiplier is determined for each commercial or other non-residential Customer account. Refer to Exhibit A, Schedule of Fees and Rates.

“System Tampering” is any Person’s misuse of, or damage to, the District’s Water System, or any violation of these Rules and Regulations, whether intentional or unintentional. System Tampering may include, but is not limited to: operation of the Water System, including the operation of valves or fire hydrants or obtaining access to facilities without prior written authorization of the District; breaking, connecting to, damaging, defacing, destroying, covering, uncovering, or changing the elevation of the

ground surface around any portion of the District's Water System; modifying any aspect of the Water System that is not authorized by the District or brings the system out of compliance with these Rules and Regulations; opening or removing of manhole covers, hatches or security devices; Bypassing or Unauthorized metering or any other act prohibited by applicable law, or any action that has the potential to compromise the water quality in the Water System.

“Tap” or “Connection” shall mean the connection of the service line to the District’s water distribution main.

“Tap Fee” is the payment to the District for recovery of capital investments associated with major components of the Water System. The Tap Fee assessment is based on the particular impact of the use being connected. Refer to Exhibit A, Schedule of Fees and Rates.

“Unauthorized Use” of the District’s Water System by a Customer includes but is not limited to: a change or addition to a Customer’s equipment, service, use or property that increases the Customer’s impact to the Water System; unauthorized Turn-On or Turn-Off of a Water Service or operation of a Water Main to accomplish the same; use of the Customer’s service that negatively impacts the District’s Water Systems such as backflow to the Water System.

“Water Main” or “Main” shall mean a water distribution pipe which once installed will constitute an extension of the water system either then owned or proposed in the future to be owned or served by the District.

“Water System” shall mean the District infrastructure, facilities and water rights that provide water service, including without limitation water treatment facilities, main transmission lines, storage tanks, pumping stations, and production wells.

Any other term not herein defined shall be defined as present in the “Glossary – Water and Sewage Control Engineering”, A.P.H.A., A.S.C.E., and F.W.S.W., latest editions.

1.4 Ownership and Transfer of Water Taps. Water taps may only be used on the specific real property for which they were issued as designated by the District. They may not be transferred except as a part of a sale of the real property to which such water tap has been allocated by the District. All assignments of water taps must be approved by the District in writing. Any assignment without written approval of the District will not be recognized by the District. The purpose of these limitations on transfer is to prevent the creation of a secondary market in such assets and to establish the District’s exclusive ownership of the water system within the District of which water taps are an integral part.

1.5 Amendment. The District through the Board of Directors may amend these Rules and Regulations to reflect those changes determined to be necessary by the Board. Prior public notice of amendments to these Rules and Regulations shall not be required by the Board of Directors when exercising its amendment powers.

1.6 Waiver, Suspension, or Modification of Rules. The Administrator acting on behalf of the Board of Directors shall have the sole authority to waive, suspend, or modify these Rules and Regulations. Any such waiver, suspension, or modification must be in writing authorizing the specific action. Such waiver, suspension or modification is an exception to these Rules and Regulations for the specific instance and shall not be construed as precedent for future instances. Waivers, suspensions, or modifications are not deemed an amendment of these Rules and Regulations.

## ARTICLE II - OWNERSHIP AND OPERATION

2.1 Policy. The District is responsible for the distribution of water for domestic use to Customers 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, interruption of service or breakage and/or blockage of pipes. All water supplied through District facilities is owned by and is the property of the District.

2.2 Liability of District. The District is subject to and avails itself of the provisions contained within the Colorado Governmental Immunity Act, which provisions cannot be waived in whole or in part without the express written approval of the District's Board of Directors.

2.3 Powers and Authority of Administrator and Operations Manager. The Administrator, Operations Manager and or their designees shall, subject to applicable provisions of law and the provisions of these Rules and Regulations, be permitted to enter upon all properties within and served by the District, at reasonable times, for the purpose of observation, inspection, measurement, sampling, and testing of the facilities of the District, property owned by the District, and/or the quality of products produced by the District.

2.4 Service Lines. A Service Line is owned by the owner of the real property obtaining water service through the Service Line. The District will repair leaks in the portion of the Service Line from the Tap on the Main to the Curb Stop, but not including the Curb Stop, excluding leaks arising from defective work on the Service Line. The property owner is responsible for all maintenance and repair of Service Lines connected to a Private Main, and other maintenance, repair and replacement of the Service Line other than leak repair as provided by the District, including the cost of any damage to its property in the case of a leak in, or freezing of, any portion of the Service Line.

Leaks and/or breaks in the Service Line shall be repaired by the property owner in a timely manner. In the event the District determines that the leak or break constitutes a threat or danger to the public health, safety, or welfare (including the possibility that waste of water will have a deleterious, or potentially deleterious, effect upon the District's ability to provide water service to other District Customers), and if satisfactory progress toward repairing either the leak or break has not been accomplished within seventy-eight (78) hours after the District provides actual notice to the owner of the property of either the leak or break, the District shall have the authority to shut off the applicable service until either the leak or break has been repaired. The District shall additionally possess, and may exercise, the authority to enter upon the property to repair the leak or break at the property owner's expense. Customers are strictly prohibited from extending their service line to serve other properties.

2.5 Water Meters. The Water Meter provided by the District for the Customer's Water Service is the property of the District. Following the initial installation and inspection of the Water Meter, the Customer shall not disconnect, bypass, remove, replace, repair, relocate or otherwise modify the District's meter. If any inaccuracy is suspected of the Water Meter to be due to a broken or defective meter, the District will repair or replace the meter at the District's expense, unless a contract requires the Customer to repair or replace the Water Meter. The Customer is liable for the District's cost to repair or replace the District's meter if the meter is damaged due to action or negligence of the Customer, including freezing of the meter or damage due to pressure fluctuations in the District's Water System.

2.6 Curb Stop and Box. Every property within the District which is serviced by the District shall be equipped with a curb stop and box. Whenever a new tap is made to permit a property to receive water service, a curb stop shall be installed by the Customer. It shall be the responsibility of any Customer to maintain the curb stop and box and to immediately report to the District any water standing or visible in

the curb box. The District shall have no responsibility for any damage caused as a consequence of the absence of a curb stop.

2.7 Ownership of Water System Facilities. All existing Mains and treatment works connected with and forming an integral part of the Water System are the property of the District, unless a specific legal contract with a Customer provides otherwise or the District declined to accept, or has not yet accepted, the Private Main for ownership. Transfer of ownership of the Main to the District shall be in accordance with the requirements set forth in these Rules and Regulations.

The Customer is liable for any damage to its property caused by fluctuations in water pressure in the Water System, including damage to the Customer's portion of the Water Service, the District's Water Meter, the Customer's plumbing system, fire suppression system or any other property.

2.8 Existence of Rights-of-Way and Easements.

A) The District claims an easement for location of and access to all portions of the Water System, now or hereafter existing, on, over and in the lands on which the facilities are actually located, whether or not the facilities are located within a recorded easement or other right-of-way.

B) As a condition of service, each Customer and any other person otherwise receiving and accepting service from a Water Service connected to a Water Main is deemed to have granted to the District a perpetual easement over the portion of the Customer's property on which any portion of the Water System is located, regardless of whether such facility is located within a recorded easement or other right-of-way.

C) As a condition of service, all Customers or any other person otherwise receiving and accepting service from a Water Service is deemed to have irrevocably consented to the location of any water facilities located on such person's property and shall be deemed to have waived any and all claims against the District, including without limitation any claim for trespass, nuisance, or eviction, and any remedies at law or in equity.

D) The rights provided hereunder shall include the right of the District to reasonably access water facilities for any District purpose, including without limitation for the purpose of inspecting, monitoring, testing, constructing, installing, excavating, renovating, expanding, repairing, re-purposing, or replacing such facilities.

E) Prescriptive rights cannot be acquired against the District. If a property owner encroaches upon a District Easement or right-of-way, no property interest shall be acquired which is adverse to the District regardless of the duration of the encroachments.

2.9 Conditions of Ownership. The Customer's ownership of a Service Line shall not entitle the Customer to make alterations to the Water Service or the Water System without District approval. All uses of the Water Service or changes in use of the Service at any time after the initial Connection to the District's Water Systems shall be subject to these Rules and Regulations. When any change in use or modification to an existing Service Line is made, the District may require that all portions of the Service Line shall be in full compliance with these Rules and Regulations.

2.10 Water Access. Any landscaping improvements that inhibit District access to the Water System shall not be permitted. Examples of such improvements include but are not limited to trees, berms, bushes, rock walls, or any improvement that would inhibit the District's access to or along the Water

System. Damages incurred to landscaping or improvements for District access to the Water System are not the District's responsibility.

2.11 Violator's Liability. Any person found to have engaged in System Tampering may be assessed fines or penalties by the District, and the District may also bring a civil action for damages as authorized by C.R.S. § 40-7.5-102. The District may also request criminal prosecution for any tampering with a water meter, C.R.S. §18-4.506.5. Any person causing damage to the District's Water System by misuse, negligence, or other action, shall be liable for the cost of repair including any study, investigation, or consultant fees incurred. If such violation or damage is in connection with service to a specific property, then such costs shall constitute a lien upon the property as allowed by Colorado law. Actions of a Contractor or third-party on the property of a Customer are the responsibility of the Customer.

Any Customer violating any of the provisions of these Rules and Regulations shall become liable to the District for payment of any fees or costs to the District due for unauthorized service, expense, loss, or damage including attorney fees for enforcement action, occasioned by reason of such violation and may be subject to possible disconnection or suspension of water service.

### **ARTICLE III – WATER SERVICE**

3.1 General. The District was organized for the purpose of providing water service to Customers within the boundaries of the District. All property within the District is entitled to such service from the facilities of the District as now or hereafter constituted, subject to the District's rules, regulations and policies established by the Board, and further subject to the availability of water, water line capacities and treatment facilities.

3.2 Powers. In providing water service to Customers within the District, the District shall have all of the powers allowed under law, including those enumerated in C.R.S. §§ 32-1-1001 (1) and 32-1-1006 (1) as now constituted or hereafter amended.

3.3 Policy. It is the function of the District to collect and distribute water to its Customers. Water is provided by the District from water rights owned, controlled or leased by the District. The District will use its best efforts to economically provide water in sufficient quantity and of acceptable quality for its Customers as the need arises. The District cannot and does not guarantee a quantity of water to be available to meet the demand that may arise. Accordingly, it can be anticipated that certain limitations and conditions may be imposed by the District with respect to the use of facilities and the ability to make new connections when requested.

3.4 Availability of Service. It is the function of the District to provide water service to those Customers who are connected to the facilities of the District under a duly authorized tap permit issued by the District. Service to existing Customers shall take precedence over service to potential future Customers until an adequate supply of water has been acquired, developed, and made available in and through the facilities of the District.

3.5 Limitations on New Connections or Taps. The District shall maintain at all times a record of connections or taps made to the facilities of the District and the demand for water as a result of the connections made. The District reserves the right to refuse to issue a tap permit which may exceed the physical or legal capability of the District to provide water service.

3.6 Allocation of New Connections or Taps. Within the terms and conditions of the Rules and Regulations, new connections or taps will be issued in the order of receipt of payment of the Tap Fee. All

taps issued for new connections shall be subject to strict compliance with District Rules and Regulations, except as set forth herein below.

3.7 Ability to Serve Letter. A Customer may be required to obtain an ability to serve letter from the District as a condition of its application for a proposed development or a change in zoning with Summit County or other entity. The District will only issue an ability to serve letter upon proof of inclusion of the Customer's property within the District, compliance with water rights dedication requirements to the satisfaction of the District and identification of all impacts of the proposed development on the Water System of the District.

The finding of compliance with the necessary criteria and ultimate issuance of the Ability to Serve Letter shall be at the sole discretion of the District and may be in the form of an agreement with conditions.

3.8 Return Flows and Augmentation Plans. The District shall have dominion and control of all water supplied through its system, subject to reasonable use thereof by its Customers in compliance with applicable water service permits, agreements, licenses, and the District's Rules and Regulations. Such dominion and control shall continue without interruption as to all return flows, runoff, or tail water attributable to or originating in water supplied through District facilities. The District shall have the exclusive right to recapture such return flows or claim credit therefrom for exchange, replacement, augmentation, substitute supply or any other lawful purpose, and the District's dominion and control over water shall continue to attach to all such return flows even after they return to the ground. All return flows from water supplied through District facilities remain the property of the District. The District retains the sole authority to determine the yield of all water, water rights, and augmentation plans which are offered to the District for any purpose.

3.9 Disturbance of District Facilities. Except for regular employees, agents or representatives of the District, no other person shall uncover, make any connection with, any opening into, use of, alteration to, or disturb any water main or appurtenances owned or operated by the District, without first obtaining specific authorization from the District. It shall be unlawful for any person other than personnel authorized by the District to operate a hydrant or main water line valve.

3.10 Connection to Water System. Connection to the Water System shall be made only with District permission. Only one Water Connection may be made per account.

3.11 New Account Application. Application for Water Service, or a change in use or expansion of such service, must be made to the District. The District will verify compliance with all applicable requirements, calculate Connection Fees, and generate a Connection Fee invoice for the Customer.

3.12 Denial of Application for Service. The District may deny an application for service in whole or in part, for any or all of the following reasons:

A) There has been misrepresentation in the application to the property and fixtures contained in the property, or the use to be made of the service;

B) The service applied for would create an excessive seasonal or other demand on the facilities or water rights of the District;

C) The Applicant has failed to dedicate sufficient water or water rights or pay the applicable fee-in-lieu thereof to the District to support the requested service;

- D) The connection of the system to Applicant's existing plumbing would constitute a cross-connection to an unsafe water supply;
- E) The Applicant does not own property in the District;
- F) When service would be infeasible;
- G) The Applicant is either unable or unwilling to pay the fees required by the District; or
- H) Any other reason which the Board determines would adversely affect the health, safety, welfare or economic status of the District and/or its inhabitants.

3.13 Meter Sizing and Maintenance. The water meter size, type and manufacturer shall be determined by the District, based on the proposed water use and water flow demand. Meters shall be purchased from the District and installed by the Customer. The District shall have the right at any time to maintain, replace, or repair water meters.

3.14 Connection Fees. Connection Fees are impact fees that compensate the District for the cost of serving the Customer. Connection Fees may include:

- A) Water Tap Fees;
- B) Meter Fees; and
- C) Inspection and other Service Fees.

3.15 Tap Fee Deferral. A Customer owning property intended to serve as affordable housing, benefiting both local employers and employees, may submit a request for the deferral of the payment of Tap Fees to the Board of Directors. Approval of a request for deferred payment shall be at the sole discretion of the District. Deferred payment plans shall conform to the following:

- A) Affordable housing units may be eligible for deferred payment of water Tap Fees, but not a waiver of such fees.
- B) Any such deferral of water Tap Fees shall be made through payments which are amortized over a period of up to ten years, based upon a straight-line amortization of equal principal payments; and
- C) All such payments shall be assessed an interest rate deemed by the District to be reasonable in the market at the time the deferral is granted. Annual payments of principal shall include all accrued interest applied to the balance due based on the agreed upon rate.

3.16 New Accounts. At the time the District grants permission to a Customer to Connect, the District will create one Customer account per water meter. Unless otherwise designated, the Customer responsible for the meter, the account, and payment of any fees associated with service to the property, shall be the owner of the property served by the Water System.

The District will issue only one service bill per Customer account. For any Customer account which serves more than one Residential Unit, the responsible party for water bills shall be designated at the time the account is established. The designated responsible party may be a person, or a condominium or homeowners' association. As a courtesy, the District may provide a copy of a Customer bill, upon

request of the Customer or designated responsible party, to another party such as a renter. However, the responsibility for payment remains with the Customer who is the property owner or designated responsible party.

3.17 Inclusions of Property into the District. Real property included within the District under the provisions of C.R.S. § 32-1-401, et seq., as amended, shall be subject to these Rules and Regulations and all policies of the District in existence at the time of inclusion, and as thereafter adopted or amended. Water service to included property shall be provided on the same basis as is provided to other properties within the boundaries and service areas of the District, except that conditions and requirements upon service may be imposed by the District under an Agreement for Inclusion. Applicants for inclusion shall pay all costs in connection with the inclusion of Applicants' real property. Terms, conditions, restrictions or limitations in any inclusion agreement may include, but are not limited to:

- A) Requiring the applicant to provide facilities, including off-site facilities necessary to serve the included property;
- B) Requiring the applicant to adhere to any tap allocation program of the District then currently in effect or thereafter established;
- C) Requiring the applicant to convey and dedicate water rights, water facilities, and necessary easements and rights of way; and
- D) Such other terms and conditions as may be specifically applicable to the property to be included.

3.18 Limitations on Use and Increase in Water Demand. All water furnished by the District is on a licensing basis, only for the uses on the property designated in the tap permit and in the development plan. If any use of the property is changed from that contemplated at the time of issuance of the tap permit, a new tap permit shall be applied for, and water will not be furnished for such new uses until such application is approved. The right to use water furnished by the District shall not include the right to use water outside the designated lands, nor to re-use or otherwise dispose of the water. The water must be applied to a beneficial use by the Customer within the District boundaries on the designated land. Notwithstanding use by the Customer, the water is at all times the property of and subject to the dominion and control of the District and all return flows remain the property of the District.

- A) No person may assign or transfer rights to water service without formal approval of the District.
- B) If a shortage or prospective shortage necessitates such action, the District may restrict or curtail the supply of water. All Customers similarly situated will be treated uniformly, but the District may treat different categories of Customers differently.

3.19 Expiration of Tap Permit. If a tap for water service has been issued and such tap does not become physically connected to a District transmission line and operable service line within eighteen (18) months from the date of the issuance of the tap permit, then the tap permit shall automatically expire beginning in the nineteenth month unless:

- A) The holder of the tap pays to the District one-half (1/2) of the standard base quarterly Customer fee for each tap permit for which no operable service line is in existence; or

B) The Board, in its sole discretion, approves an agreement with the holder of the tap permit providing for the deferral of payment of such fee to a date certain, or until the occurrence of a specific, identified event. All existing pre-paid taps, except those taps issued in Summit Cove Filings Nos. 1 and 2 which were purchased as part of the lot as can be reasonably confirmed by the Administrator, will be required to comply with this rule within one year of the effective date of these Rules and Regulations.

For purposes of this Section, an “operable service line” shall mean a service line as defined in these Rules and Regulations, which is connected to a property for which a certificate of occupancy has been issued by the appropriate governmental agency. Any person who fails to obtain a certificate of occupancy for the purpose of avoiding the burden of this section as to the payment of the base quarterly Customer fee shall be deemed to have abandoned the tap permit.

No tap permit which has expired or which has been abandoned under the provisions of this Section shall be reissued except upon the payment all fees required by the Rules and Regulations at the time of reissue, less a credit for the Tap Fee previously paid for an expired tap on the same property.

3.20 Intergovernmental Agreements. From time to time the District, in its sole discretion, may enter into agreements with other special districts for the provision of water services to the property within the District or such other special district’s service area.

3.21 Line Locations. Upon request of a Customer, the District will attempt to locate and mark all water lines to the best of its ability by using available information. Basic line locations will be made free of charge, but the District will not accept financial liability to any party for any costs incurred as a result of an inaccurate location.

3.22 Scheduling Service or Inspections. Customers may be required to schedule District service or inspections from time to time. Appointments for inspections or services, such as Turn-On, Turn-Off, operation of Water Main valves, water meter or transceiver battery changes must be scheduled with the District a minimum of two (2) business days in advance.

3.23 Pressure Reducing Valve. A pressure-reducing valve (PRV) shall be installed on all Water Services between the Water Main and each Water Meter, and maintained in perpetuity in working order by the Customer, in order to provide protection of the Water Meter, the Customer’s plumbing system and any fire suppression system from fluctuating Water Main pressures.

3.24 Repair of Water Service. Leaks and/or breaks in the service lines shall be repaired by the Customer in a timely manner. In the event the District determines that the leak or break constitutes a threat or danger to the public health, safety, or welfare (including the possibility that waste of water will have a deleterious, or potentially deleterious, effect upon the District’s ability to provide water service to other District Customers), and if satisfactory progress toward repairing either the leak or break has not been accomplished within seventy-two (72) hours after the District provides actual notice to the owner of the property of either the leak or break, the District shall have the authority to shut off the applicable service until either the leak or break has been repaired. The District shall additionally possess, and may exercise, the authority to enter upon the property to repair the leak or break at the Customer’s expense.

3.25 Maintaining Fire Hydrant Clearances. Fire Hydrants must be able to be operated at all times. No landscaping, retaining walls, structures, or other obstructions may block access to fire hydrants or bring a fire hydrant out of compliance with these Rules and Regulations. The property owner is responsible for maintaining the following clearances around fire hydrants located on their property: ten (10) feet in the front, seven (7) feet on the sides, and four (4) feet in the back. If the required clearances are not met, EDWD personnel will remove such obstructions after seven (7) days written notice is given or

immediately in cases of emergency, the costs of which may be added as a charge to the property owner's quarterly bill. The health, safety, and welfare of the public and the critical emergency service nature of fire hydrants require that clearances be maintained at all times.

### 3.26 Construction Water / Fire Hydrant Meter Assemblies.

A) Construction Water. Construction water for use on private property shall be taken only through an authorized Water Service Connection and shall be metered or the rate for the estimated usage paid at the Operations Manager's discretion.

B) Fire Hydrant Meter Assemblies. The use of a fire hydrant meter assembly is permitted only with the written authorization of the District. A fire hydrant meter assembly includes the meter, backflow preventer, shut-off valves and related fittings. Fire hydrant meter assembly use is allowed only between May 1<sup>st</sup> and October 1<sup>st</sup> of each year. The Customer shall protect the fire hydrant meter assembly from freezing. The Customer is responsible for any damage, including vandalism and freezing, to fire hydrants and/or hydrant meters. Only District personnel are permitted to install, move, or disconnect hydrant meters.

3.27 Efficient and Beneficial Water Use. Because water is a limited resource, all Customers of the District shall use water efficiently and only for beneficial purposes in order that the District can continue to assure an adequate water supply to protect the public health, safety and welfare.

3.28 Waste of Water Prohibited. Water is a valuable and precious commodity in the State of Colorado and within the boundaries of the District. Waste of water is hereby prohibited. Runoff of water from landscaped and irrigated properties, and overspray from irrigation systems, to impervious surfaces is prohibited. Customers are required to maintain any sprinkler system, irrigation system, or hoses in such a manner as to avoid runoff, overspray, leaks and/or waste. Any employee of the District who observes waste, as herein defined, occurring shall notify the owner or resident of the property upon which the waste, whether from runoff, overspray or leaking, is occurring of the existence of such waste. In the event the owner or resident (including tenants of either residential or commercial or industrial properties) fails to cease the activity resulting in waste, or in the event any employee of the District shall observe such waste at the same location for a second or subsequent time, the District may terminate water service for such address or structure until such waste ceases.

3.29 Water Usage Guidelines and Water Restriction Policies. The East Dillon Water District recognizes that it is located in a semi-arid alpine environment. The physical source of the water for the District is a shallow aquifer recharged from the surrounding moderate height mountains. The infrastructure of the District is designed to provide a reasonable level of household use water for all residents at build out of the District. The District is a strong proponent of water conservation to insure the availability of quality water for all users. Weather conditions, extended periods of drought, equipment failures and contamination of the water source may lead to the mandatory restriction of water use by residents of the District.

A) Standard Water Usage Guidelines. The District encourages all users to practice water conservation. Recommended techniques for inside the home include installation of flow restrictive water fixtures and toilets, using water efficient appliances, using dishwashers and washing machines with full loads only, and regularly checking and fixing water leaks. Water usage outside of the home should recognize the unique character of our alpine environment. Any landscaping should be based on native drought tolerant plants and the use of xeriscape principles is encouraged. Landscaping designs should utilize drip irrigation systems when possible and minimize the use of spray irrigation. A large area of

blue grass lawns are STRONGLY discouraged as it is not native and requires large quantities of water to maintain its appearance.

Normal water conservation practices encouraged by the East Dillon Water District are:

- i. Do not use water to spray irrigate between 10 AM and 6 PM. Most of the water used will evaporate and this is an inefficient and wasteful use of water.
- ii. Follow xeriscape principles for all outside landscaping and utilize drip type irrigations systems.
- iii. Use water restrictive fixtures, toilets and appliances whenever possible.
- iv. Frequently check and repair any household water leaks. Toilets are the most common source of water leaks in your home.

B) Voluntary Water Restrictions. Voluntary water restrictions for outside of the home are in effect from May 1st through September 30th.

- i. Outside usage is not allowed on Mondays and Thursdays.
- ii. Outside usage is not allowed between the hours of 10 AM and 6 PM.
- iii. Hand watering, using either a watering can or a hose with a shut off nozzle is ALLOWED at any time (no restrictions as to days or time).
- iv. Outside usage using or maintaining drip irrigation systems is not restricted.

The District may impose water restrictions at any time should they be necessary.

C) Invoking Mandatory Restrictions. If conditions of the Water System or the water supply so limit the availability of water that normal water use may endanger the adequacy of the water supply, the District may declare a water supply emergency and implement emergency water use restrictions and such additional regulations and restrictions that are reasonably necessary to conserve and protect the water supply and to insure an uninterrupted flow of water through the system. Such emergency water use regulations and restrictions shall remain in force and effect until the District determines that the conditions requiring their imposition no longer exist. Compliance with emergency water use restrictions is a requirement of these Rules & Regulations.

Emergency conditions include but are not limited to: impairment of water supply quantity and/or quality; Water Main break; loss of electrical power or pump outages; or loss of system pressure. The District may use; local radio and television broadcasts, emergency notification systems, and local signage, as appropriate to notify the public of such water supply emergency conditions and the necessary water use restrictions. Restrictions may be imposed with the following steps. (1) Recommendations of the District Administrator and Operations Manager, or employed water operators of the District, or the contracted operator of the District; (2) Approval of the recommendations by a majority of the members of the Board of Directors at a regular or special meeting of the Board. In the event of an emergency, the restrictions may be imposed with the approval of the President of the Board or the acting President of the Board.

- i. STAGE 1 – The voluntary water restrictions in effect from May 1st through September 30th are mandatory.
- ii. STAGE 2 – The District is experiencing a severe water shortage. NO OUTSIDE USAGE IS ALLOWED.

#### **ARTICLE IV – SERVICES AND CHARGES**

4.1 Service Inside District. Subject to conformance by the Customer with the applicable provisions of these Rules and Regulations, water service will be furnished to persons whose property is within the District.

4.2 Service Outside District. The Board may, if it deems it in the best interest of the District, furnish other water or sewer service to properties located outside the boundaries of the District. Any service provided to property outside the District shall be subject to the Rules and Regulations of the District, and also to any other agreements the Board believes necessary for the best interests of the District.

4.3 Application for Service Outside District. In case a person shall seek water service for property outside the District's boundaries, a verified written application for service shall be filed with the District which shall state the following with respect to the property for which service is sought:

- A) Legal description of the property;
- B) Names of all fee owners of the property;
- C) Reason(s) why the property cannot be included in the District's boundaries;
- D) Zoning classification of the property with ample description of development plans, if any, pertaining to said property in the two (2) years next following the date of the original application;
- E) Type of uses of the property on the date of original application; and
- F) Additional information as requested by the District.

4.4 Denial of Application. The District reserves the right to deny an application for service in whole or in part for any of the reasons specified in Section 3.12.

4.5 Change in Customer's Equipment or Service. Prior to making any change in the types of use on a property receiving water service, a Customer shall file written notification with the District describing the new types of use. The District shall notify the Customer of adjusted and additional charges, if any, required to be paid to the District based on the new types of use. The District shall also describe any physical changes, if any required (in the facilities through which one or more of the services connect to the property) as a result of the new types of uses. Before the new uses shall be permitted to enjoy the benefit of the District's services, the Customer shall do all things required by the District inclusive of the payment of any adjusted charges, tap fees and other related costs. Failure to so comply shall be conclusive evidence of the District's right to discontinue service to the property in the event the new uses are commenced.

4.6 Metering of Services. All water service shall be metered by the District. Removal, tampering, or bypassing a meter shall be grounds for immediate termination of water service. If the water meter is not functioning the District Administrator may estimate the quantity of water used based on historical use and other reasonable factors and calculate fees for such estimated usage until the meter is replaced.

4.7 Rates, Charges, Fees.

A) Regular Rates, Charges, Fees. The District may charge rates, charges and fees as determined by the Board pursuant to the provisions of C.R.S. § 32-1-1001 (j), or otherwise allowed by law, as set forth in the Rate Schedule listing Fees and Charges as adopted by the District from time to time. Any one or more of such rates, charges, fees and tolls may be amended or changed from time to time hereafter in accordance with law.

B) Extra Service Charge. The District charges the following extra service charges as set forth below:

i. Extra Cost Charge. An extra cost charge shall be charged to the responsible Customer for additional monitoring time and materials costs incurred by the District necessitated by a violation of applicable requirements of these Rules and Regulations. Such charges may include without limitation inspection time, sampling time, administrative review time, overhead charges, equipment or machine time, labor, sampling costs, lab fees, and any other charges deemed necessary by the Administrator to ensure a Customer's compliance with these Rules and Regulations.

ii. Enforcement Charge. An enforcement charge, as specifically set forth in these Rules and Regulations, including but not limited to administrative fines and extra costs charges.

4.8 Billing. Statements for all sums owed to the District shall be mailed or delivered electronically to all Customers quarterly for Base Service, paid in advance, and usage charges, paid in arrears. In an effort to encourage efficient water use, the District employs a Tiered Rate Structure whereby the Usage Rate increases as more water is used. The water usage allowance per Tier increases for a property per the SFE multiplier associated with the Customer account.

Additional statements for Extra Service Charges may be delivered when the charges are incurred.

Payment of the statement shall be due upon receipt, and will be delinquent if regular rates and charges billed quarterly are not paid by the last day of the end of the quarter following the billing period. Extra Service Charges will be delinquent if not paid within 30 days after the statement date.

4.9 Liens for Unpaid Charges. In accordance with law and until paid in full, all rates, tolls, fees and charges shall constitute a first and perpetual lien on and against the property served, and any such lien may be foreclosed also in the manner provided by law.

4.10 Owner Responsibility. The District assumes no responsibility for agreements between landlords and tenants or between sellers and buyers. It shall be the responsibility of the property owner to ascertain that all charges that could be owing to the District have been paid by the previous owner. Regardless of ownership, failure of the District to collect fees at the time of the issuance of permits, or any other act or omission of the District, all unpaid fees shall constitute a first and perpetual lien which may be foreclosed or collected as provided by law.

4.11 Collections on Delinquent Accounts.

A. District Notices and Actions. Delinquent accounts will be assessed an interest charge of 1% per month on the unpaid balance. At this time, the account will also be declared delinquent and a delinquent notice will be mailed to the Customer. If fees remain unpaid fifteen (15) days after the delinquent notice is mailed, a notice of disconnection may be posted at the property. If after posting or other delivery of notice of disconnection to the Customer payment is not received within 24 hours from posting or delivery of this notice, the District shall have the right, in its sole discretion, to discontinue service. If service is discontinued, a Turn-Off fee will be added to the amount due. The District will also assess costs related to collection of any delinquent fees, including legal, court, third party, filing or other incidental costs, to the Customer. Until paid, all such delinquent fees shall constitute a perpetual lien on the property served.

B. Certification of Amounts to County Treasurer. In addition to any other means provided by law, the District may elect, by resolution, at a public meeting held after receipt of notice by the

affected parties, including the property owner, to have certain delinquent fees, rates, tolls, penalties, charges, or assessments made or levied solely for Water or Water Services (including fees for availability of such service and Connection fees), certified to the Summit County Treasurer to be collected and paid over by the Treasurer in the same manner as taxes are authorized to be collected and paid over pursuant to C.R.S. §39-10-107.

C. Partial Payments. The District may accept partial payments on any account which is delinquent without waiving any rights to pursue any remedy under these rules to collect the full balance due.

D. Payment Plans. The District Administrator may authorize the District to enter into payment plans to collect all charges due on delinquent accounts, If a Customer defaults in paying the account according to such plan the District may pursue any collection remedy authorized by these rules or the payment plan.

4.12 Unauthorized Connections. No water service will be provided to unauthorized connections until they have been brought into compliance with these Rules and Regulations.

4.13 Special Charges for Unauthorized Use or Connection. In addition to any other penalty provided by law in case of theft of property, the unauthorized use of the District's water or connection to District water facilities shall result in the levy of a charge upon the person responsible for such unauthorized use or connection. The charge for unauthorized use of District water shall be an initial fine of five hundred dollars (\$500.00). Additionally, the charges for an unauthorized connection to the District's water system shall be an amount equal to double the then-current tap fee plus a fee of \$10.00 per thousand (1,000) gallons of water delivered through the unauthorized connection, plus immediate disconnection until all charges provided in this Section are paid in full, or a deposit in a form and amount satisfactory to the Administrator is deposited with the District and there is full compliance with these rules. Any person assessed a penalty pursuant to this Section may appeal the same to the Board as set forth in Section 7. Authorizations to use District water shall not be granted until such amounts are paid to the District or a deposit in a form and amount satisfactory to the Administrator is deposited with the District.

## **ARTICLE V – CONSTRUCTION OF SERVICE LINES**

### **General Statement**

This document is not intended to be a complete list of every requirement for construction in the District, but is designed as a guide to compliance with requirements for the installation of water main line extensions, service lines, water meters, and backflow devices. This document does not release the owner, builder, contractor, or their agents, from the responsibility to be familiar with the current requirements of the East Dillon Water District, Summit County building codes, and applicable Federal and State standards.

Inspections by the staff of the East Dillon Water District are required for any modification of the distribution system, mechanical change to the water supply of any existing structure or modification of the site. Installation of main lines and service lines are restricted to between May 1st and October 31st. The District may not provide building permit sign off outside of these dates. The restriction dates are subject to modification by District staff depending on weather conditions and project requirements. Exception to the installation dates may be considered on an individual basis by the District.

Inspections require a 48-hour notice to the East Dillon Water District operations staff for proper scheduling. Inspections are made between the hours of 8:00 a.m. to 4:30 p.m. M-F, excluding holidays. Call (970) 468-6256 to schedule.

#### 5.1 Connection Tap and Service Lines.

A) General. All new or replacement water service lines and appurtenances shall conform to the standard requirements of East Dillon Water District, including Exhibits, A and C, attached to these Rules, and any specific requirements imposed at the time any required permits are issued.

B) Permit. No tap, connection or service line may be constructed unless specifically authorized by the District. The sign off of a Summit County building permit by the District is authorization by the District and considered the permit for construction. The issuance of a permit for water service by the District and acceptance of such permit and service by the property owner shall grant and confirm an easement to the District to inspect, repair and/or replace any water facility located on such property served, including the water meter.

C) Access. Application for or receipt of service from the District shall be deemed to give permission by the property owner to allow a representative of the District to enter the premises for the purpose of inspecting and repairing water service lines, water meter facilities, shut off valves and appurtenances, and for water sampling.

D) Construction and Connection. Construction and connection of all service lines shall be done by contractors holding a valid license as required by Summit County for such work together with adequate insurance and bonds.

i. Licenses. A license issued by the State of Colorado and Summit County in accordance with the Technical Plumbing Code of the State of Colorado shall be acceptable to the District provided that the District shall have the right and option to revoke or restrict the approval of any contractor for cause as provided herein.

ii. Insurance and Bonding. The insurance and bond requirements established by the State of Colorado for licenses under the above Plumbing Code are required as a minimum by the District. The District reserves the right to impose higher insurance and bond requirements where in the judgment of the District the liability and insurance exposure to the District or to the public is greater than that required by the State.

iii. Contractor Revocation. The District reserves the right to revoke or restrict any approval for a contractor, that in the sole judgment of the District, fails to comply with the requirements of these Rules and Regulations, fails to notify the District for required inspections, fails to pay for and comply with the requirements of permits issued for any construction or in any way fails to provide good quality work and materials or for any unsafe practices or safety violations.

iv. Responsibility of Contractor. All service taps, connections and/or service lines shall be constructed by a licensed and bonded contractor; however such work may be performed for him by journeymen or apprentices working under his supervision provided that such licensee shall be fully responsible for all work done under his supervision.

v. Other Regulations. All construction shall comply with Federal, State, County or local regulations regarding excavation, backfill, compaction and restoration of surfacing. All permits, fees and licenses for such construction shall be paid prior to the start of such construction.

vi. Barricades and Warning Devices. The contractor shall provide and pay for adequate guards, barricades and /or lights to provide warning to the public as to the hazards presented by the work.

vii. Restoration of Work Area. Streets, sidewalks, parkways and other public or private property disturbed in the course of work shall be restored in a manner satisfactory to the District and/or controlling agency.

E) Separate Service Line Required. A separate and independent service line shall be provided for every building and individual ownership. The Board may, in the exercise of its sole discretion, provide exemption from the above requirement for structures that are part of a mobile home park, condominium or homeowners association, townhome, or accessory unit. There must be a recorded notice of the common service line. The notice shall provide for repair and give notice the District will disconnect the line for any rules violation or failure to pay by any user of the common line. The District will bill the responsible owner, association or party of the common service line for service charges assessed by the District for water usage in total.

F) Service Line Design. It shall be the sole obligation of the property owner to have the service line designed to provide adequate water service to his structure. Such line shall be designed so as to provide adequate pressure drop and water volume to the structure under maximum demand conditions. Pressure drop should not exceed 10 psi.

G) Unmetered connections shall not be permitted onto a service line or as part of a service line. Service line connections ahead (upstream) of the meter may be permitted only when required for fire protection, or under temporary or emergency circumstances when necessary to protect the public health, and only then when authorized by the District.

H) Multiple service lines may be built in a common trench provided that such service lines are separate and independent and have a separation of at least 12 inches unless otherwise approved by the District. Part of the approval process will consider whether the common trench for the service lines has a good and proper easement for repair, maintenance and/or replacement by each property owner being served.

I) Limited Pressure. Certain areas of the District may have limited water pressure. Owners within limited pressure zones should have pressure-enhancing devices engineered for the dwelling. The devices may include pumps and individual storage tanks. All cost for engineering, installation and maintenance are the responsibility of the owner.

J) Stub-Out. In order to reduce future excavation of sensitive areas and when it is determined to be in the best interest of the District and property owner, stub-outs for future service may be required. The stub-outs must be constructed, inspected and tested the same as any other service line. Tap fees may be deferred by the District until service is actually connected to a structure, however, inspection fees must be paid prior to the start of construction of any such stub-out.

K) Certificate of Occupancy. The District may withhold water service or approval for a Summit County Certificate of Occupancy if any rule or regulation is not followed.

L) Variance. Should the requirements of this section be impractical, the owner may submit a plan to the District for review. If the plan complies with the intent of this section the District may

approve the plan. All costs incurred for such plan review shall be at the property owner's expense. Any approved variance shall require as built plans supplied to the District.

#### 5.2 Meter Settings and Cross-Connection.

A) General. All plumbing systems taking water from the District's potable water supply shall meet the requirements established by the Uniform Plumbing Code as adopted by Summit County, Colorado. In addition all such services must install a water meter and associated equipment. All meters are specified and supplied by the District and are to be installed in accordance with these Standards.

B) Separate Meters. Each property owner shall have an individual water meter.

i. The District may grant exceptions to the requirement for separate meters in the case of condominium or similar multiple structures provided that recorded declarations or other legal documents establish a single responsible entity for such common structures with the power to enforce these Standards and the Rules and Regulations including payment of charges levied by the District. In the case of non-payment the District may place a lien against all properties served by any water meter.

5.3 Installation. Installation of the water meter is the responsibility of the property owner. The meter location shall be inside the premises in a location that protects it from freezing. The first connection to the service line must be an isolation valve followed by a pressure-reducing valve, the water meter, an approved backflow device, when required, and a second isolation valve. If the service line needs extended to the location of the water meter it shall be done using an isolation valve that remains accessible. The water meter must be installed in the horizontal, upright position, which may require a meter yoke supplied by the District. No connections (tees, wyes, bleeders, spigots etc.) are allowed before the water meter. The District supplies the meter, meter yoke, pressure-reducing valve and remote reading device. The owner supplies all other associated equipment. All meter installations shall be inspected by District staff prior to certificate of occupancy.

5.4 Maintenance. The water meter is owned and maintained by the District. All other plumbing is the responsibility of the property owner. Should the meter need to be replaced a new meter will be supplied by the District and installed as set forth in 5.3. During any times when the meter is inoperable the District may estimate water usage as set forth in 4.6.

5.5 Meter Pits and Vaults. The installation of meter pits and vaults require District approval. Meter pits shall be located within or adjacent to the easement or right of way connecting to the District's main and whenever possible out of traffic areas. The District may approve such locations if the owner provides adequate protection for the public and the meter. Meter manholes and vaults shall be designed to carry traffic loads.

5.6 Meter By-pass. A by-pass line around the water meter is permitted only when the District determines necessary and when approved must contain a shut off with locking device.

#### 5.7. Cross-Connection Policy.

A) The authority to implement and maintain a cross-connection control program is contained in the following legislative actions: (1) CRS Section 25-1-114 and 25-1-114.1. (2) Colorado Primary Drinking Water Regulation 11.39, Backflow Prevention and Cross Connection Control Rule. (3) Colorado Cross-Connection Control Manual, Colorado Department of Public Health and Environment, latest edition, and SDWP policy number DW-007. (4) Code of Federal Regulations Occupational Safety and Health Administration. (5) Colorado Plumbing Code. (6) Uniform Plumbing Code. (7) Uniform

Swimming Pool, SPA and Hot Tub Code. (8) Colorado Swimming Pool and Mineral Bath Regulations. (9) Uniform Solar Code. Updates and revisions to the above will apply, as they become recognized standards.

B) The District will determine the degree of hazard.

C) No person shall operate an industrial fluids system, auxiliary water supply, or an owner water system that allows for the occurrence of a cross connection to the water utility.

D) All Costs for the design, installation, maintenance, repair, and testing of backflow prevention assemblies shall be borne by the customer.

E) The District shall have the right of entry to inspect any and all buildings and premises for cross connections relative to possible hazards, or to verify proper installation, testing, or repair of backflow prevention assemblies.

F) No person owning, managing, installing or repairing any water system in the District shall fail to comply with any of these rules. The District reserves the right to not provide service to any property that does not conform to this policy.

#### **ARTICLE VI – WATER SYSTEM EXTENSIONS**

6.1 Water System Extensions General. The requirements of these Construction Standards, including Exhibits B and C, attached, are applicable to the construction of all water main line extensions. All installations must be approved by the East Dillon Water District and constructed as shown on the approved plan. The terms “Water System Extension” shall be deemed to include Main distribution lines, Water System modifications any other facility related thereto including without limitation pumps, pumping stations, wells, metering devices, pressure reducing valve vaults, air relief vaults, meter vaults, and any other special structure which once constructed and/or installed will become a part of the District’s water system. This Article shall apply for any proposed water service to more than one single dwelling unit unless the District classifies such extension as a service line.

Additions to the East Dillon Water District distribution system shall typically follow standards set forth by the American Water Works Association. Updates and revisions may not be shown in this document, but will apply as these standards become recognized.

6.2 Water Main Line Extensions by the District. The District has the right to construct all water mains within the District.

6.3 Water Main Sizes. The size of the water main required to serve any area served by the District shall be determined by the District. Any participation by the District in sharing of costs, over sizing of mains or otherwise shall be addressed in the initial step of the approval process.

6.4 Location of Main Line Extensions. Water mains shall be installed in roads or streets which the County, State, or other public agency has accepted for maintenance as a public right-of-way, as well as in easements granted to the District. When facilities must cross land not being subdivided, or where such land is under the applicant's control for the granting of public rights-of-way, each applicant who desires service will, in consultation with, and with approval of the District, plat and grant to the District appropriate right-of-way and easements in which such facilities will be constructed. All “non-applicant owned” easements required to construct and maintain the facilities will be obtained by the applicant and conveyed to the District in the same manner as “applicant-owned” easements.

6.5 Water Main Extension Rebate. The District shall, in its sole discretion, determine if and when reimbursement may be made for water main extensions and the terms of any such reimbursement.

6.6 Conditions and Design Criteria.

A) Criteria. Design of water lines and facilities providing water service within or on behalf of the District shall meet the minimum requirements as set forth herein; established State and District standards and good engineering practice. Such facilities shall be sized to provide adequate service, including fire flows, to not only the initial area being served, but also for future development that may be served by or an extension of such facilities.

B) Review. It shall be the obligation of the District to review all plans, specifications and related documents to assure that such plans, etc. conform to the approved conceptual plan; establish good engineering practice and are of adequate sizing, proper locations and general design considerations for any proposed extension. The District may engage an Engineer on behalf of the District to review any design.

6.7 Approval Process. The approval and acceptance process for any proposed extension of the District's water facilities shall consist of the following steps:

A) Conceptual Plan Review. The applicant shall submit a report fully setting out the proposed facilities and water service requirements of the proposed extension. The report shall be prepared by a registered professional engineer, licensed by the State of Colorado, and who has experience engineering water systems under similar geography and locations (specifically mountainous developments). Approval by the District Administrator and Operations Manager of a conceptual plan shall expire one year after the date of review or agreement unless construction has commenced within such period.

B) Plans and Specifications. After agreement of the District and Applicant on the conceptual plan, the Applicant may then proceed with design surveys, detail plans and specifications for the proposed extension. The submittal for review by the District shall be in duplicate so that one copy can be returned to the Applicant's engineer with revision notations marked thereon and one copy retained for the District's records. The plans shall be 24" x 36" size and include design calculations, design basis and hydraulic calculations. The District shall have the option of requiring suitable contour maps, copies of recorded filing plats and/or plan and profile sheets. Any variations from the District's Requirements for Water System Installations or standard drawings must be reviewed at this stage.

C) Water Main Extension Contract. If the District Administrator and Operations Manager have approved the plans for the proposed Plans and Specifications, the District and the Customer shall enter into a line extension contract covering standard regulations on line extensions for transmission lines. Prior to commencement of construction of any such line or addition, the Customer shall deposit with the District or Summit County security in the form of cash or a Letter of Credit meeting the District's requirements for letters of credit or performance bond as established by the Board, in the amount of 150% of the estimated cost of the proposed construction. The purpose of such security is to enable the District to undertake or complete such construction utilizing the District's own forces or contractors in the event Customer fails to complete the construction. If cash is used as security, amounts shall be released by the District on the schedule agreed upon by the District and Customer. If a Letter of Credit is provided as security, at the time of 100% completion of construction, and upon inspection and probationary acceptance of the construction by the District, presentation of evidence of full payment therefore by the Customer through canceled checks, lien waivers, or other evidence satisfactory to the Administrator of the

District, the District shall cause to be released to the Constructor/Customer 100% of the cost of actual construction, with the District retaining 20% until the expiration of the two-year warranty period applicable to such construction. At the completion of the two-year warranty period, the District shall authorize release the security and return to the Customer all amounts remaining in possession of the District which have not been required to be expended by the District in repair or maintenance of said construction.

6.8 Construction. After all approvals for the proposed construction have been obtained the Applicant may then proceed to employ a contractor. The Contractor is responsible, prior to starting work, to schedule a pre-construction meeting to include at least the Contractor, District staff, and the Applicant. Such meeting requires a 48-hour notice.

A) Insurance and Bonds. As soon as a contract is awarded, a copy of the required certificates of insurance, performance and payment bonds and an executed copy of the construction contract shall be submitted to the District. Upon approval of these documents the Applicant will be allowed to start construction.

B) Start Notice. The Applicant or his contractor shall provide a minimum of 48-hours' notice to the District of intent to start construction so that an inspector can be available to allow the contractor to start. No work may begin without the presence of the inspector and/or authorized representative of the District.

C) Inspection. The presence of the inspector and/or District representative shall be for purposes of observing the work being done by the contractor and in no way shall such presence relieve the Applicant, his engineer or his contractor from obligations to provide proper workmanship and materials, as well as undertaking proper safe work conditions and full compliance with all governmental rules and regulations. Cost of the inspections shall be borne by the Applicant. Inspections are required for the installation and repair of all water mains, service lines and water service appurtenances tied to the water distribution system.

D) Whenever it is necessary to operate valves for main extensions, District staff shall be notified and shall be the only authorized personnel to do so.

6.9 Final Acceptance. All or any part of the proposed construction that is substantially complete may be conveyed to the District so that water service can be provided. The District will not provide service to any consumer served by any water main until and unless the District owns such main. Conveyance cannot be made unless all requirements below are met.

A) Deficiencies. Any deficiencies or incomplete items in a system to be conveyed to the District must be itemized and the Applicant must make adequate arrangements to assure the District that such items will be completed within a reasonable time at no cost to the District.

B) Locations and Easements. The Applicant shall be responsible for providing accurate surveys of the locations of constructed water lines, hydrants, and water system improvements for purposes of updating the maps and records of the District, including one full set of "reproducible as-builts" drawings and associated electronic Auto CAD file. Applicant will also prepare descriptions for easements and conveyance of facilities and deeds of easements and facilities. Such descriptions shall be submitted to the District. The form of deed for easements and the bill of sale for personal property shall be as required by the District

C) Owner List. The Applicant shall supply a list of all customers to be supplied by the service including name, billing address, lot unit designation, lot improvement status, and meter number (if applicable).

6.10 Costs of Installation. Unless either otherwise agreed upon in writing by the District, or stated in these Rules and Regulations, all costs related to the installation of water system extensions and distribution mains including without limitation engineering, legal and other related expenses shall be paid by the Customer.

## **ARTICLE VII - HEARING, SETTLEMENT AND APPEAL PROCEDURES**

7.1 Penalties and Remedies. In addition to any other penalties or remedies available to the District under these Rules and Regulations or any other applicable law, violations of these Rules and Regulations shall be subject to any or all of the following:

A) Payment of the cost to clean up, rehabilitate or repair District property caused by the violation;

B) Temporary or permanent termination of water service. Termination of such service may be done by any means available to the District, including physical disconnection from the system. If services are suspended to a property, a Suspension Fee as set out in the Rate Schedule shall be charged to the Customer. Once a service is so discontinued, it shall not be restored until payment of the charge is received by the District together with any other rates, charges or amounts then owing to the District;

C) Administrative charges, which are monetary penalties assessed by the Administrator for violations of these Rules and Regulations. Administrative charges are punitive in nature and are designed to deter future violations. The Administrator may assess an administrative charge of up to Five Thousand Dollars (\$5,000.00) per violation. Each day a violation continues shall be considered a separate violation. Administrative charges may be assessed as part of an Administrative Order within thirty (30) days of the determination of the violation. The dollar amounts of administrative charges will be based on the relative significance of the violation, the number of violations, and the cooperation (or lack of cooperation) displayed by the violator. However, regardless of the amounts listed, the Administrator reserves the right to consider all circumstances relating to a violation and may determine the amount of the administrative penalty on a case-by-case basis; and

D) Issuance of compliance orders requiring the violator to take action to remedy the violation.

7.2 Procedure.

A) Notice. Prior to levying any of the penalties set forth in Section 7.1, the Administrator shall provide written notice of the violation. Such written notice shall describe the violation, the measures, if any, that must be taken to remedy the violation, the deadline for remedying the violation, the penalties assessed, and the process for obtaining a hearing before the Administrator should the person desire a hearing. The notice shall be personally served on the violator, left at the property in a conspicuous location, or mailed via first class mail, return receipt requested, to the last known address of the violator in the District's records. Notice of serious violations shall be conveyed by the Administrator to the Board.

B) Administrator Hearing. Any person receiving a notice as set forth in Section 7.2(A) may, within ten (10) days of receipt of the notice, file a request with the Administrator for an opportunity to be

heard on the alleged violation and the penalties. The hearing shall be before the Administrator or a hearing officer and shall be administrative in nature. The person may be represented by legal counsel. No formal rules of evidence shall apply to such hearings. The Administrator or hearing officer shall have the right to control the hearing and limit the presentation of testimony and evidence to matters relevant to the violation. A request for a hearing shall stay any penalty assessed or action pending the outcome of the Administrator's hearing, except that such a request shall not stay the District from shutting off water service for non-payment; and provided that if the Manager determines the public health, safety and welfare or District property are in danger of imminent and serious harm, any action required of the alleged violator in the Administrator's decision shall not be stayed.

C) Show Cause Hearing. A Show Cause Hearing may be required by the Administrator for violations of these Rules and Regulations. The purpose of the Show Cause hearing is to allow the District to explain its position, request additional information from a person in possible violation of these Rules and Regulations, and to allow the person to provide information the person believes the District should consider regarding a violation. Any decision resulting from the Show Cause Hearing will be provided to the person in writing under the signature of the Administrator. Show Cause Hearings shall be of the same nature as the hearing described in Section 7.2(B).

D) Initial Complaint Resolution. Complaints concerning the interpretation, application, or enforcement of these Rules and Regulations of the District shall first be presented to the Administrator, who will then respond to the complainant after a review of the allegations contained in the complaint. District staff will take such action and/or make such determination as it deems warranted. Such action or determination will be documented in a letter to the complainant issued within sixty (60) days of the written complaint.

E) Appeals to Board. Any person found by the Administrator to be in violation of these Rules and Regulations, or any person dissatisfied with the Administrator's action in 7.2(D), may, within ten (10) days of the date of the Administrator's written decision, request in writing a hearing to be held by the Board. When a hearing is requested, the action required by the Administrator shall be stayed pending the outcome of the hearing before the Board; except that an appeal shall not stay the District from shutting off water service for non-payment; and provided that if the Administrator determines the public health, safety and welfare or District property are in danger of imminent and serious harm, any action required of the alleged violator in the Administrator's decision shall not be stayed. The hearing shall be administrative in nature. The person shall have the right to be represented by legal counsel, and to present testimony, witnesses, and such other evidence that is relevant to the alleged violation. The decision of the Board is final, subject only to appeal to the Summit County District Court pursuant to the provisions of C.R.C.P. 106(a)(4).

7.3 Protection of Public Welfare. Nothing set forth in this Article VII shall be deemed to limit the authority of the Administrator to take any measures necessary to protect the health, safety and welfare of the public or District property from damage.

**EXHIBIT A to the  
Rules and Regulations for East Dillon Water District Water Service**

**Service Line Construction Standards**

A.1 General. All installations (new, replacement and repair work) must be approved by the District and constructed as shown on the approved plan. Additions to the East Dillon Water District distribution system shall typically follow the standard drawings attached as Exhibit C and standards set forth by the American Water Works Association. Updates and revisions may not be shown in this document, but will apply as these standards become recognized. District personnel are not responsible for contractor work site safety compliance or enforcement of applicable safety regulations and standards. Orders given by District staff relating to site safety and/or quality of materials and workmanship shall be obeyed at once by the Contractor.

A.2 All materials must be new, undamaged and of the highest quality meeting the AWWA standards.

A.3 All services shall be appropriately sized ( $\frac{3}{4}$ " minimum), type K soft copper for services  $\frac{3}{4}$ " and 1". For services larger than 1" an appropriate AWWA standard material must be approved by the District. The District may authorize alternative materials where site conditions warrant the use of alternative materials.

A.4 Service Taps shall be separated by at least 18" and no closer than 24" to the end of pipe sections or appurtenances. Taps shall be made using two strap saddles of brass or bronze body and stainless steel, bronze, or brass straps, with AWWA thread and an O-ring gasket. The tap location shall be at a point no less than 5 feet inside the property lines extended. Such property lines are defined as the lot or building envelope lines extended perpendicular to the water main easement to a point on the water main. This is to provide that no service line for one property will pass in front of another property or open space.

A.5 Corporation stops must be brass or bronze in the same size as the copper service line, be AWWA standard inlet thread and compression type outlet.

A.6 Curb stops shall be brass or bronze body in the same size as the copper service line, standard T-head operator and 90-degree rotation with compression type outlets.

A.7 The service line shall run perpendicular from the tap to the curb stop. Service taps serving lots on curves or cul-de-sacs shall be perpendicular from the main for 5-feet then radial perpendicular to the curb stop. The curb stop should be located near the property line and be accessible at all times. Water service lines shall not encroach within 15-feet of a neighboring property line without a dedicated easement agreement involving the associated property owners.

A.8 Curb boxes shall be an arch pattern box with 1" upper section and 2-hole Erie pattern lid or equivalent for up to 1" services. All boxes require an extended rod and must be properly supported to prevent settling on the valve. Curb boxes must be set to final grade and if located in a driveway the use of a "monument box" is required to protect the lid from damage.

A.9 Service lines shall be one continuous piece from corporation to curb stop and from curb stop to first valve. Couplings in the service lines are not allowed unless necessary due to the length of service line in which case the coupling must be brass or cast bronze body with compression type outlets, located downstream from the curb stop and no closer than 15-feet from a building structure or foundation.

A.10 Service lines shall be buried a minimum of 9-feet from top of pipe to finished grade. When 9-feet is not possible, 2" thick closed cell insulation ("blue board") may be approved by the District. When approved, insulation shall be 2" thick for every missing foot of cover. Insulation must be placed on top of bedding material and be a minimum of 2 feet wide. At no time shall the cover be less than 7 feet. Even though a service line is insulated and provided with the specified cover, the property owner remains responsible to maintain the service line and preventing the line from freezing.

A.11 Trenches must conform to the most recent standards adopted by OSHA. Trench alignment and grade excavation shall be from offset stakes established from the approved drawings. Trenches shall be kept free from water during pipe laying and remain that way until safety and product quality are no longer compromised. Spoil material unsuitable for backfill must be disposed of off-site. Backfilling must meet the requirements of the appropriate agencies. For general public safety considerations the service line installation and backfill shall be in a timely manner (i.e. the same day).

A.12 Bedding material shall be 3/4" minus or 3/8" minus clean rock. Bedding must consist of a minimum of 6" under and 12" above the pipe. Bedding must be installed evenly and free of voids to provide full support of the pipe over its entire length.

A.13 Sewer lines. Water service lines shall be located a minimum of 10-feet horizontally from existing or proposed sewer lines. Shall a sewer main or service cross above or within 2-feet beneath the water lines, both the East Dillon Water District and the Snake River Sanitation District shall be notified for approval of such crossing.

A.14 No soldered connections shall be allowed underground.

A.15 Service Lines exceeding 1" are to be disinfected in accordance with AWWA C-600 and will require a full pipe diameter flush prior to acceptance.

A.16 Service lines will be inspected to guard against leaks at all connections either visually or through a pressure test.

Inspection of a service line by East Dillon Water District personnel is MANDATORY prior to acceptance by the East Dillon Water District. All connections, bedding, insulation and related work must be approved prior to backfill. Inspections require a 48-hour notice to the East Dillon Water District operations staff for proper scheduling. Inspections are made between the hours of 8:00 a.m. to 4:30 p.m. M-F, excluding holidays. Call (970) 468-6256 to schedule.

**EXHIBIT B to the  
Rules and Regulations for East Dillon Water District Water Service**

**Water Main Construction Standards**

B.1 General. No person, firm or entity shall construct any extension or addition of the District's water facilities without having prior formal approval of the District for such construction. Standard Drawings attached as Exhibit C and AWWA C100, C600, and C500 series are the standards adopted by the East Dillon Water District. District personnel are not responsible for contractor work site safety compliance or enforcement of applicable safety regulations and standards. Orders given by District staff relating to site safety and/or quality of materials and workmanship shall be obeyed at once by the Contractor.

B.2 CL 52, push-on-joint, cement lined DIP is the accepted material for water main and large (>1") service feeder lines. DIP service lines shall also conform to service line standards. All pipe joints must be copper strapped or cad welded for electrical conductivity. Where cad welding is the method chosen a minimum 4 gauge single strand copper wire must be used and any exposed metal must have a cold tar covering. The District may authorize alternative materials where site conditions warrant the use of alternative materials.

B.3 Minimum depth of bury shall be 9-feet to top of pipe at finished grade.

B.4 Trenches must conform to the most recent standards adopted by OSHA. Trench alignment and grade excavation shall be from offset stakes established from the approved drawings. Trenches shall be kept free from water during pipe laying and remain that way until safety and product quality are no longer compromised. Spoil material unsuitable for backfill must be disposed of off-site. Backfilling must meet the requirements of the appropriate agencies.

B.5 Bedding material shall be 3/4" minus or 3/8" minus clean rock. Bedding must consist of a minimum of 6" under and 12" above the pipe. Bedding must be installed evenly and free of voids to provide full support of the pipe over its entire length.

B.6 Thrust Restraint. Appurtenances must be properly braced by concrete thrust blocks and supported with mega-lugs and/or threaded rod and nut assemblies. All concrete must have an 8-mil minimum polyethylene plastic sheet separating it from pipe and nut and bolt assemblies.

B.7 Hydrant installations shall conform to AWWA C502, and have a minimum 6" feeder line. Dry barrel, Waterous New Pacer or Mueller Super Centurion models, mountain bury (9-feet), mountain spec (42" from finished grade to center line of steamer connection) shall be the type accepted by the District. Hydrants are not to be fabricated on site with additional stem extensions and couplings. Hydrants shall have one breakaway flange and stem coupling located 3" above finished grade. Any repair parts shall be original equipment manufacturer only, no aftermarket parts allowed.

B.8 Valves shall conform to AWWA C509 for resilient seat, non-rising stems (NRS) gate valves, and shall open-left. All valves must have a single continuous valve stem extension and stem centering plate to within 12" of the top of valve box.

B.9 Valve Boxes shall be set plumb and true, centered over the 2" operating nut and installations must be supported to keep from settling. Valve boxes must not be above and no more than 6" below finished grade. For installations in asphalt or concrete the top of lid assembly must be 1/2" below finished grade.

B.10 Service Taps shall be separated by at least 18” and no closer than 24” to the end of pipe sections or appurtenances. Taps shall be made using two strap saddles of brass or bronze body with stainless steel, bronze, or brass straps, have AWWA thread and an O-ring gasket.

B.11 Sewer Lines. Water lines shall be located a minimum of 10-feet horizontally from existing or proposed sewer mains. Wherever a sewer main or service cross above or within 2-feet beneath the water lines both the East Dillon Water District and the Snake River Sanitation District shall be notified for approval of such crossing.

B.12 Disinfection of new water mains should be met by using calcium hypochlorite tablets attached to the inside top of the pipe with an approved adhesive certified to NSF 61 (Permatex RTV clear) prior to the pipe installation in the trench.

B.13 Line Testing. All testing must be carried out with a District representative present.

i. Line must be filled slowly with water to dissolve chlorine tablets while removing air at the same time.

ii. Line is to remain static for a minimum of 24 hours (48 hours recommended), after which representative free residual chlorine samples will be drawn with a minimum of 25 mg/l present to pass. After disinfection has passed super-chlorinated water shall be removed in a safe manner.

iii. A hydrostatic test will then be performed for a minimum of 2 hours at 150 psi or 1.5 times the working line pressure whichever is greater.

iv. Following a successful hydrostatic test the line must be flushed at maximum velocity from hydrants.

v. A bacteriological test and electrical conductivity test may be required at the District’s discretion.