

PINEWOOD SPRINGS WATER DISTRICT RULES AND REGULATIONS

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NOTE: THESE RULES AND REGULATIONS ARE SUBJECT TO REVISION BY THE BOARD OF DIRECTORS OF THE DISTRICT WITHOUT PRIOR NOTICE.

PINEWOOD SPRINGS WATER DISTRICT
RULES AND REGULATIONS

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PINEWOOD SPRINGS WATER DISTRICT
RULES AND REGULATIONS

SECTION 1. General Explanatory Material

- 1.1 Scope. This regulation shall be treated and considered as a new and comprehensive regulation, governing the operations and functions of the Pinewood Springs Water District, and shall supersede any previous regulations of the District, as contained in the minutes of the District, which are in conflict with the provisions hereof.
- 1.2 Policy and Purpose. It is hereby declared that the Rules and Regulations hereinafter set forth will serve a public use and are necessary to insure and protect the health, safety, prosperity, security and general welfare of the inhabitants of the Pinewood Springs Water District.
- 1.3 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows:
- 1.3.1 "Actual Cost" shall mean all direct costs applicable to the construction of a given water main, including construction, engineering, inspection, plan approval fees, etc., which have been paid by the constructor.
- 1.3.2 "Board" and "Board of Directors" shall mean the governing body of the Pinewood Springs Water District.
- 1.3.3 "Connection" shall mean the connecting of the service line to the structure which it is to serve.
- 1.3.4 "Constructor" shall mean any person, corporation, partnership, association or firm desiring to construct an extension of or to the district's water distribution system or a connection to the district's system.
- 1.3.5 "Contractor" shall mean any person, firm, or corporation licensed by the District to perform work and to furnish materials therefore within the District.
- 1.3.6 "Customer" shall mean any person, company, corporation or governmental authority or agency that is a property owner within the District and is authorized to use water or connect to a water main under a permit issued by the Board of Directors.
- 1.3.7 "District" shall mean the Pinewood Springs Water District.
- 1.3.8 "EQR" shall mean Equivalent Residential Unit.
- 1.3.9 "Inspector" shall mean the person or persons duly authorized by the District to enforce these Rules and Regulations. The Rules and Regulations may also be enforced by the Superintendent.
- 1.3.10 "Licensed Plumber" or "Pipe Layer" shall mean the person provided a license to work in the District.

- 1.3.11 "Permit" shall mean written permission of the Board of Directors to connect to a water main of the District pursuant to the Rules and Regulations of the District.
- 1.3.12 "Person" shall mean any individual, firm, company association, society, corporation or group.
- 1.3.13 "Service Lateral" shall mean the pipe, line or conduit from the water main to the edge of the highway right-of-way, easement or property line.
- 1.3.14 "Service Line" shall mean the pipe, line or conduit from the service lateral to an individual house or other structure.
- 1.3.15 "Shall" is mandatory; "may" is permissive.
- 1.3.16 "Stub-in" shall mean the connection of the service line to the service lateral.
- 1.3.17 "Superintendent" shall mean the Superintendent of the District, or in his absence, his duly authorized Deputy.
- 1.3.18 "User" shall mean any person to whom water service is served, be it renter, record owner, corporation, company, individual, etc.
- 1.3.19 "Water Main" shall mean any water pipe, line or portion thereof owned by the District.
- 1.3.20 "Water Tap" shall mean the act of connecting a service line to a service lateral.
- 1.3.21 ANY OTHER ITEM not herein defined shall be defined as presented in the "Glossary--Water and Sewage Control Engineering" A.P.H.A., A.W.W.A., A.S.C.E., and F.W.S.A., latest editions.

SECTION 2. Ownership and Operation of Facilities

- 2.1 Policy. Subject to the provisions of Section 4, the District is responsible for the distribution of water for **domestic** in-house use to **residents** within the District and the maintenance, repair and replacement of all mains, hydrants, valves, meters and service facilities owned by the District, but shall not be liable or responsible for inadequate pressure or interruption of service brought about by circumstances beyond its control.

The District is generally responsible for providing water storage and treatment facilities, and shall endeavor to plan for, capitalize and build adequate capital improvements as demand occurs; but the district shall not be liable or responsible for failure to provide additional service when capacity is exceeded by demand.

- 2.2 Liability. It is expressly stipulated that no claim for damage shall be made against the District by reason of the following: breaking of any service of supply line, pipe, cock or meter by any employee of the District; failure of the water supply; shutting off or turning on water in the water mains; the making of connections or extensions; damage caused by water running or escaping from open or defective faucets; burst service pipes or other facilities not owned by the

District; damage to water heaters, boilers or other appliances resulting from shutting water off, or turning water on, or from inadequate or sporadic pressures; or for doing anything to the water system of the District deemed necessary by the Board of Directors or its agents. The District hereby reserves the right to cut off the water supply at any time, for any reason deemed appropriate.

2.2.1 Notwithstanding the above liability provisions, all liability actions concerning the District shall be in conformance with C.R.S. 1973, 24-10-101, et. seq., commonly called the Colorado Governmental Immunity Act.

2.3 Powers and Authority of Inspectors.

2.3.1 The Superintendent, Inspector and other duly authorized employees, agents or representatives of the District shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of these Rules and Regulations, and shall have authority to shut off service.

2.3.2 The Superintendent shall be authorized to expend not in excess of \$500.00 without Board approval; and not in excess of \$1000.00 in emergency situations. In each case, the Superintendent will attempt to notify the Board prior to making such expenditures and will fully account for such expenditures.

2.4 Defective Meters. When meters are in service, it shall be the duty of all customers to notify the District office or Superintendent if their water meters are operating defectively.

2.4.1 The District will remove a defective meter and install a replacement meter; however, the District assumes no responsibility for the cost of water as shown by defective meters, or for any cost or expenses relating to or caused by malfunctioning meters.

2.4.2 At the request of the customer, the District will remove a defective meter and install a replacement meter. The District will be responsible for routine repairs. The cost of repair of deliberate damage to the meter will be billed to the customer.

SECTION 3. Use of Public System

3.1 Use Only By Authorized Persons. No person, other than authorized persons including, but not limited to, plumbing contractors performing usual and ordinary services in accordance with recognized customs and standards, shall:

3.1.1 Uncover, or connect any pipes, tubes, stopcock, or any other instrument or contrivance with any main, service pipe, or other medium conducting or supplying water to any building without the knowledge and written consent of the District;

3.1.2 Alter, obstruct or interfere with the action of any meter provided for measuring or registering the quantity of water passing through said meter without the knowledge and written consent of the District.

3.2 Use by Unauthorized Person a Misdemeanor. Any person who, in any manner commits one of the acts described in Section 3.1 without the

knowledge and written consent of the District commits a Class 2 Misdemeanor.

3.3 Responsibilities of the Customer. Each customer shall be responsible for installing and maintaining the entire length of his water service line from the meter to the structure. Leaks or breaks in the service line shall be repaired by the customer within a reasonable period from the time of discovery or notification of such condition by the District. If satisfactory progress toward repairing said leak has not been accomplished within the same time period, the Inspector or Superintendent shall shut off service until the leaks or breaks have been repaired.

3.3.1 It shall be the duty of all customers connected to the water system to keep advised of varying pressures and conditions of service so as to properly protect their persons and property from injury by water furnished through the District's facilities.

3.3.2 Employees of the District are expressly forbidden to do any plumbing work whatsoever, except with a customer's permission, the initial hook-up to the meter. Payment for this work shall be made to the District and shall be subject to the same terms and conditions for payment of service fees as stated in Sections 7.8.2 to 7.10 inclusive. All persons having boilers and/or other appliances on their premises dependent on pressures or water in pipes, or on a continual supply of water, shall provide, at their own expense, suitable safety appliances to protect themselves and their property against a stoppage of water supply or loss of pressure.

3.3.3 The District operates under the requirements of an Augmentation Plan, Case No. W-8001(75), dated 24 Feb., 1976. Water supplied by the District's water system shall be used for domestic, in-house use only. Outside water use is not permitted. Irrigation of lawns, shrubs, trees or gardens and washing of vehicles is not permitted. The District has the right to assess fines or to revoke water service to any customer using District-supplied water for other than domestic, in-house purposes.

3.4 Unauthorized Use of Hydrant Wrench or Valve Shut-off Keys Unlawful. It shall be unlawful for any person other than authorized personnel to use a hydrant wrench or valve shut-off key without prior authorization from the Board, and any police officer or personnel of the district or Fire Department are hereby authorized to confiscate any hydrant wrench or valve shut-off key used without such prior authorization.

3.5 Protection from Damage. No unauthorized person shall maliciously, willfully or negligently, break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the water system including fire hydrants.

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

3.6 Water Saver Water Closet. All structures constructed after the effective date of these Rules and Regulations shall be equipped with a "water saver" water closet. A "water saver" water closet is defined as one that uses 1.6 gallons of water or less per flush.

- 3.7 Meter Installation for New Construction. All structures shall include the installation of a District approved water meter at a location to be determined by the Board or its duly authorized representative.
- 3.7.1 The property owner will purchase the meter from the District at actual cost to the District. This is necessary for the District to maintain quality control of the meters used.
- 3.7.2 The property owner, at his/her expense, will contract with the District to construct the meter pit and install the meter and all appurtenances thereto.
- 3.7.3 Following installation, the meter shall be owned by the District and shall become part of the water service facilities of the District.
- 3.8 Meter Installations for all Commercial Establishments. All commercial establishments, new or existing, retail or wholesale, shall install a District-approved water meter, at their expense, for the purpose of monitoring the volume of water use. The location of the meter shall be determined by the Board or its duly authorized representative.
- 3.8.1 All meters for commercial establishments shall be read monthly by the Superintendent and those findings reported to the Treasurer/Administrative Clerk for the purpose of billing the users as set forth in Appendix A.
- 3.8.2 The Board may, in its discretion, require that all commercial establishments curtail their use of water over and above the allotted amounts for the EQR's held by those commercial establishments during times when the water supply is limited and the Board has determined that continued commercial use in excess of the allotted amounts for commercial establishments creates an unacceptable seasonal demand on the District's facilities.
- Water service to any commercial establishment may be revoked by the District upon failure to comply with a request from the Board under this section. In the event of such failure to comply with the Board's request, the commercial establishment shall be given due notice of a hearing to revoke service. Said hearing shall be held by the District at a regular or special meeting of the Board of Directors, at which time the customer shall have the opportunity to present testimony and evidence to the Board. Following said hearing, the Board's decision shall be final and service to the property may be revoked by disconnecting appropriate lines, either public or private, serving the property, or not, as the Board decides.
- 3.8.3 In the interest of water conservation, the number of taps a commercial establishment may purchase is three, if available.
- 3.9 Number of Water Taps Upon Sale of Dwelling. A customer who sells his dwelling or property must transfer the number of EQRs, which have been purchased by the selling customer or allocated to that dwelling or property, if any.

- 3.9.1 The payment of a tap fee entitles a purchaser to use the District's water service only so long as he remains the owner of the dwelling identified on the Application and Permit for Water Tap and/or Service. (Appendix C)
- 3.9.2 Following the initial tap by a customer, the number of EQR's purchased or allocated to a customer shall remain and be transferred only with the property identified on the Application and Permit for Water Tap and/or Service. (Appendix C)
- 3.9.3 Nothing in this Section shall imply that a customer or purchaser of a dwelling and/or property cannot apply for additional EQR's, or that the right of service cannot be revoked in accordance with these Rules and Regulations.
- 3.9.4 The attempted sale of one or more EQR's, or portion thereof, apart from the dwelling or property without the written approval of the Board of Directors may be grounds for revocation of the customer's right to his allocated EQR's.

SECTION 4. Application for Service

- 4.1 Inclusions. Water service will be furnished only to persons whose property is included in the District and who have agreed to abide by the Rules, Regulations and Rates promulgated by the District.
- 4.1.1 It shall be incumbent upon the applicant to furnish satisfactory evidence of inclusion whenever such evidence is requested by the District. Satisfactory evidence shall consist of a tax receipt, or certificate in lieu thereof, issued by and signed by the County Treasurer.
- 4.2 Application and Permit for Water Tap and Service. An Application and Permit for Water Tap and/or Service must be filed with the District, on the District's standard form, and be accompanied by appropriate fees, prior to action by the Board or its designated representative to affect connection to the District's water system. (Appendix C)
- 4.2.1 An Application and Permit for Water Tap and/or Service shall expire one (1) year from the original application date if not connected to the water system. Water taps purchased prior to May 26, 1999, shall have no expiration date. It shall be incumbent upon the applicant to furnish satisfactory evidence of any previously paid water tap fees. Satisfactory evidence shall consist of a receipt, letter, canceled check referencing paid tap, or past District records.
- 4.2.2 When an Application and Permit for Water Tap and/or Service expires, the District shall retain the previously paid tap fees. The previously paid water tap fees shall be credited toward the current water tap fee when a new application for water tap is filed, as described in Section 4.2.1.
- 4.3 Cancellation of Application. The District reserves the right to revoke any application previously granted before service has been provided should applicant not agree to abide by the Rules, Regulations and Rates promulgated by the District.
- 4.4 Denial of Application. The District reserves the right to deny application for service on any of the following grounds:
- 4.4.1 That connection of the system to applicant's existing system would constitute cross-connection to an unsafe water supply; or
- 4.4.2 That the service applied for would create an excessive demand on the facilities; or
- 4.4.3 For misrepresentation in the application as to the property and fixtures contained in the property, or the use to be made of the water supply; or
- 4.4.4 That the area to be served is situated in a pressure zone which the District lacks capacity to serve as shown on District maps.
- 4.5 Change in Customer's Equipment or Service. Prior to making any change in water service or meter installation, a customer shall file an amended application with the District at least forty-eight (48) hours prior to making the proposed change.

4.5.1 No change in the customer's equipment or service shall be made without the prior approval of the District being first obtained in writing.

4.6 Unauthorized Connection Fees. An unauthorized connection fee equal to three (3) times the normal tap fee due may be collected by the District from persons connecting to the District's system without prior payment of connection fees, approval of application and permit, or adequate inspection of lines. The District, at its election, may require disconnection of any unauthorized connection at owner's expense.

4.7 Revocation of Water Service. Water service may be revoked by the District for non-payment of fees, rates, tolls and charges duly imposed and due and owing the District or for water-use violations. Service to the property will be terminated by disconnecting appropriate lines, either public or private, serving the property, or not, as the Board decides.

4.7.1 In the event a customer receives a disconnect notice for non-payment of fees, rates, tolls, and charges, the customer may request a hearing prior to revocation of service. A customer requesting a hearing prior to revocation of service for non-payment must post bond in the amount of the delinquency and the cost of the hearing.

4.7.2 In the event the Board determines there has been a violation of water use, the customer shall be given written notice by the Board or its designated representative to correct the violation and attend a hearing. The customer shall be allowed three (3) days following receipt of the notice in which to correct the violation. If the violation is not corrected within three (3) days, water service may be terminated immediately. At the hearing, the Board may assess fines up to \$200 per occurrence or day and/or order revocation of service.

The District operates under the requirements of the Augmentation Plan. Water supplied by the District's water system is for domestic, in-house use only. Outside water use is not permitted. Reference Section 3.3.

4.7.3 Hearings shall be held by the District at a regular or a special meeting of the Board of Directors, at which time the customer shall have the opportunity to present testimony and evidence to the Board. Customer will be given due notice of the time and date of said hearing. Following the hearing, the Board's decision shall be final.

4.7.4 If water service to the property is terminated, the customer shall be assessed a turn-on fee to restore water service after all fees, rates, tolls, charges and fines are paid and water use violations are corrected.

SECTION 5. Construction of Service Lines

5.1 A separate and independent service line shall be provided for every building. Construction of all service lines shall be done by Constructors, or by plumbers licensed in accordance with the Technical Plumbing Code of the State of Colorado.

- 5.2 Existing water lines may be used in connection with new buildings only when found, on examination by the Superintendent, to meet all the requirements of these Rules and Regulations.
- 5.3 The water service line shall be a minimum of 3/4" I.D. of the type outlined by the Board. It will be either copper, Polyurethane or P.V.C. with pressure ratings capable of satisfying the pressure zones of the District.
- 5.4 The water service shall be brought to any building at an elevation of at least five (5) feet of cover and at least six (6) feet of cover under driveways.
- 5.5 All excavations required for the installation of water service shall be open trench work, unless otherwise approved by the Superintendent. Pipe laying and back-fill shall be performed in accordance with the Board's standard specifications.
- 5.6 The applicant for the building water service permit shall notify the Superintendent when the service is ready for inspection and connection to the public water main. (Appendix C)
- 5.7 The violation of any of these Rules and Regulations, or the District's installation specifications, shall constitute sufficient grounds for revocation of the permit. Whenever it appears a violation has been committed, the plumber or Constructor shall be sent a written notice.
- 5.8 No licensed plumber shall permit his license to be used by any other plumber, but plumbing work contracted for by a licensed plumber may be performed by him through journeymen plumbers or apprentices under his direct supervision. Work performed through journeymen plumbers or apprentices shall not relieve the licensed plumber from any responsibility.
- 5.9 All water lines within the area under jurisdiction of the Board shall be installed only by Constructors approved to perform work within the area.
- 5.10 All Constructors, plumbers and others doing work on any water main, service laterals, service lines, or structures in the District, shall comply with Larimer County or State Highway Department regulations on excavation, back-fill, compaction and restoration of surface. Notwithstanding the foregoing, all streets shall be restored to their same condition as existed prior to excavation.

The District may impose conditions and restrictions appropriate to assure compliance by Constructors and plumbers.
- 5.11 All construction work and materials shall meet the standards and specifications of the Pinewood Springs Water District, attached hereto as Appendix B.
- 5.12 All permits, fees and licenses shall be paid for by the owner, Constructor, plumber, or others doing work in the District, prior to the start of construction.
- 5.13 All excavations for water service installations, all maintenance, and all repair work shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public or private property disturbed in the

course of the work shall be restored in a manner satisfactory to the Superintendent.

- 5.14 All daily inspection fees on water construction required by Larimer County or the State Highway Department shall be paid by the owner, plumber, Constructor or others doing work in the District.
- 5.15 There shall be no inspection charges for inspection by the Inspector or Superintendent of the District in connection with water mains and water lines.
- 5.16 The Superintendent of the District or other authorized persons are the sole individuals authorized to supervise, or make taps on the District water mains.
- 5.17 The Superintendent of the District or other authorized personnel are hereby authorized to inspect all service lines and other facilities constructed within the District.

SECTION 6. Water Main Extensions

- 6.1 Requirements in Section 5 of these Rules and Regulations, where applicable, shall also pertain to this Section. The term "water mains" as used in this section shall include tanks, pumps and related facilities, when applicable.
- 6.2 It shall be unlawful for any person to construct a water main within the jurisdiction of the District without having first made formal application to the Board for approval, and having complied with the regulations of the Board.
- 6.3 All water main extensions within the jurisdiction of the District must have the prior approval of the Board of Directors. Plans for such extensions shall be submitted to the District's engineer, along with the application for a line extension. The staff shall then submit the recommended plans, with appropriate documentation, to the Board for final approval. Said plans shall be reviewed for compliance with the District's specifications attached hereto as Appendix B, and with other specifications and requirements appropriate to the situation, and such study for compliance shall be at the owner's expense.
- 6.4 Water mains shall be installed in roads or streets which the County, State Highway Department or other public agency, has accepted for maintenance as a public right-of-way or in easements granted to the District.
- 6.5 All water main extensions that are approved and are to be constructed by the District shall be contracted for by the Board, with the contractor installing the mains being responsible to the Board. Construction of these lines and consulting engineering fees, as established herein, shall be paid by the District.
- 6.6 A performance and payment bond(s) equal to one hundred percent (100%) of the contract (or construction cost) shall be furnished to the District on all water main construction contracted for by the District.
- 6.7 All daily inspection fees on water mains required by the County of Larimer, the State Highway Department, or local governments, shall be paid by the Constructor doing work in the District.
- 6.8 Special structures such as pumping stations, etc., required to insure proper operation of the water extensions, shall be constructed from designs of the District's engineers or such other engineers as may be approved by the Board.
- 6.9 Customers who have completed construction of water mains shall, before these lines are accepted by the District for taps, convey these lines and appurtenances to the District, free and clear of all liens and encumbrances, and the bond furnished in paragraph 6.6 shall cover all maintenance for one (1) year from the date of acceptance of the lines by the District.
 - 6.9.1 Prior to the acceptance of the lines by the District, all easements necessarily accompanying these lines shall be duly recorded and provided for at Constructor's expense.
 - 6.9.2 Prior to the District's acceptance of the lines, "as built" drawings shall be provided by the Constructor or reasonable provision for such drawings made.

- 6.10 Water main sizes required to serve any area of the District shall be determined by the District.
- 6.11 Notwithstanding any provision of this Article, the District may, in its discretion, extend lines under such conditions as the Board deems appropriate. Where water mains cannot be installed in a street, private drive or common area, and must be installed in easements between adjacent pieces of property, the lines will terminate at the point on the line or corner of the property being served which requires the least amount of construction by the District.

SECTION 7. Rates and Charges

- 7.1 General. The information contained in this Section is pertinent to all charges of whatever nature to be levied for the provision of water service. Said rates and charges as herein established are in existence and effect at this time, and shall remain in effect until modified by the Board of Directors under the provisions of these Rules and Regulations, and under the applicable statutes of the State of Colorado. Nothing contained herein shall limit the Board from properly modifying rates and charges, or from modifying any classification.
- 7.2 Application of this Section. The rates, charges, and other information shown herein shall apply only to customers inside the District, and shall in no way obligate the District to provide service outside the District under any of the conditions contained in this Section.
- 7.3 Classification of Customers. For the purpose of levying fair, reasonable, uniform and equitable charges, the following classifications and appropriate definitions are provided.
- 7.3.1 Single Family Dwelling. A single-family dwelling shall be construed as any number of persons living and cooking together in the premises as a single dwelling unit but it shall not include a group of more than three individuals not related by blood or marriage.
- 7.3.2 Multiple Family dwelling. A multiple-family dwelling shall, consist of a single structure or structures otherwise unattached to any other dwelling unit, and wherein more than one family unit exists.
- 7.3.3 Retail Business Outlet. A retail business outlet shall be any structure providing for normal commerce or business services except for those business services otherwise defined herein, and where said outlet is provided only with the required sanitary conveniences for the personnel employed at that business outlet. Where more than one business is used in one structure, the Board, at its sole discretion, shall determine the number of equivalent business outlets used therein.
- 7.3.4 Cafes, Restaurants, Bars. This classification shall include any establishment providing food or beverage service to the general public, and where charges for such service of food and beverages are secured. Such units shall be classified according to equivalent EQR as set forth in Appendix A.

- 7.3.5 Filling Stations and Garages. Filling stations and garages shall be defined as service outlets providing for the servicing of vehicular units. Under the basic definition of filling station and garages, no provision is made for automatic washing or wash rack facilities. The charges established therefore are for filling stations and garages without washing facilities.
- 7.3.6 Hospitality Services. This classification shall include any establishment providing hospitality services to the general public and where charges for these services are secured. This would include lodging, Bed & Breakfast, short term/vacation rental or other commercial enterprise not covered in the previous classifications. Such units shall be classified according to equivalent EQR as set forth in Appendix A.
- 7.3.7 Any disagreement concerning classification shall be resolved by the Board of Directors of the District whose judgment shall be final.
- 7.4 Tap Fee. A tap fee shall be charged to all customers of the District. Such fee shall represent a "privilege to serve" fee, assessed and paid before the permit for service is issued.
- Tap fees shall be assessed as provided for in the Schedule of Water Rates and Tap Fees attached hereto as Appendix A.
- 7.5 Monthly Service Charge. Upon signing an Application for Water Tap and/or Service and paying the tap fee, the water service charge shall commence once the tap fee has been paid.
- Water service charges shall be reflected in the Schedule of Water Rates and Tap Fees attached hereto as Appendix A.
- 7.6 Amended Tap Fees. In those situations where a prospective user applies for a permit for water service for a structure not defined in the preceding Section 7.3 or where, in the Board's opinion, said structure represents a classification not contemplated in the establishment of the previously defined tap fees, the Board shall, at its sole discretion, establish a fair, reasonable, and equitable tap fee for said structure.
- 7.7 Amended Monthly Service Charge. In those situations where, in the Board's sole discretion, the monthly service charges shown in the previous paragraphs do not represent a fair, reasonable and equitable charge for the intended use, the Board, at its sole discretion, may adjust said rates.
- 7.8 Payment of Monthly Service Charges. All monthly service charges shall be paid as herein set forth.
- 7.8.1 The service charge shall be billed to each customer every month, which will be termed a "billing period." Service charges will not be billed to renters, as they are the responsibility of the property owner.

7.8.2 The monthly service charges shall be due and payable on or before the 24th day of the month following the billing period. If the Customer feels said statement is in error, the customer must file in writing, a notice to the Treasurer of the District of the presumed error, and request a clarification. If the Treasurer is not able to provide a satisfactory clarification for the customer, the customer's bill shall be reviewed by the Board at its next regular meeting. The Customer or his representative may be present at the meeting. Upon review by the Board and/or revision, if necessary, of the statement, payment shall be due and payable no later than the tenth day of the following month.

- 7.9 Penalty for Late Payment. If a customer's service charges have not been paid in full by the due date, the Treasurer may assess a service charge (interest charge) at the rate of \$3.00 per month on the unpaid balance. After the due date, the Board, at its discretion, shall have the right to terminate the customer's service.

The Board shall have the right to assess to any customer who is tardy in payment of his account, all legal, court, and other costs necessary or incidental to the collection of said account.

- 7.9.1 Disconnect Notices. A notice of disconnection of water service may be issued. Such notification shall take the form of written correspondence, posted or mailed, verbal notice in person or per telephone or recorded message. A service fee shall be assessed and added to the outstanding balance. Charges set forth in Appendix A.

- 7.9.2 Reinstatement Fee (Turn-on Fee). If service must be discontinued by the Board due to a delinquent account or water use violations, a service charge, as set forth in Appendix A, shall be paid before service will be continued.

- 7.9.3 Customer Turn-off, Turn-on Request. When a customer does not expect to occupy his home during the winter months, to protect his home and water lines from freeze damage, he may request a "turn-off, turn-on" of water to his residence. There will be no turn-on or turn-off fee for this request.

Regular monthly service fee billing shall continue during this time.

- 7.10 Penalties for Foreclosure Proceedings. At any time it becomes necessary for the District, following efforts to collect tardy payment of any fee or charge assessed by the District under these Rules and Regulations and/or Colorado law, to initiate foreclosure proceedings as allowed by Section 32-1-1001 (1)(j), C.R.S. 1973 as amended, the District shall in each such case assess foreclosure fees, including reasonable attorney fees, against the subject property, which fees shall be payable in full upon assessment and shall be included in the amount then being foreclosed. Payment of said foreclosure fee and any and all other fees outstanding against the subject property shall be a precondition to the resumption of service to that property.

- 7.11 Conditions For Filing a Lien. Overdue service and delinquent account charges, as provided in note 14 of Appendix A, will cause a lien to be filed. Fees will be charged as provided in note 13 of Appendix A.

APPENDIX A

SCHEDULE OF WATER RATES AND TAP FEES

- (1) Service fees commence the first full month after the tap fee has been paid.
- (2) The Application and Permit for Water Tap and/or Service and a tap fee must be submitted prior to any tap being made.

<u>CUSTOMER DESCRIPTION</u>	<u>EQR UNITS*</u>
A. Single-family residence	1.0
B. Bars and Restaurants per each 25 person seating capacity or part thereof	1.0
C. Commercial or public buildings such as stores, offices, and similar uses having no process water:	
1. Minimum for each building or customer up to 1,000 square feet per building area	1.0
2. For each additional 1,000 square feet of building area or part thereof	1.0
3. Additional for each part of public rest rooms	1.0
D. Churches and non-profit organizational halls (no residence or regular eating facilities)	1.0
E. Hospitality Services and other Commercial enterprises will be usage dependent and the third time that usage exceeds 6000 gallons the customer will be required to purchase another EQR.	1.0

*The EQR Units for Customer Descriptions, not included in the schedule, will be determined by the Board of Directors upon receiving the request for service.

- (4) The minimum tap fee for any service is one (1) tap per building.
- (5) The basic tap fee per single-family equivalent residential unit (1.0 EQR) shall be calculated on January 1st of each year per the following formula and be effective for the remainder of that year:
Current tap fee = last year's tap fee + (last year's base rate * 12) + (last year's system improvement fee * 12) + 5% of last year's tap fee. Example: The tap fee for 2007, \$14,239.44; 2008, \$15,496.58; 2009, \$16,849.21; and 2010, \$18,269.47.
- (6) The basic water service fee for a single-family residence (1.0 EQR) is calculated as follows:
 - (A) The basic monthly service charge is assessed regardless of water usage or physical presence of a tap. The monthly service charge consists of a base rate charge and a system improvement fee that are \$50.00 and \$8.25 respectively for the billing period.
 - (B) In addition to the basic monthly service charge, water usage is charged based upon the following usage schedule for water produced by the water district:

<u>Usage Range (gallons)</u>	<u>Charge (per 100 gallons)</u>
0 to 3000	\$ 0.50
3001 to 6000	\$ 0.75
Greater than 6001	\$10.00

(C) In the event that water hauling becomes necessary, the costs to haul water will be billed to customers in addition to the normal usage charges as follows:

1 Customers will be advised when hauling rates go into effect and meters will be read on that date. Usage to that point in the month will be billed according to the structure described in (B) after the usage ranges are adjusted in proportion to the fraction of the month before hauling began.

$$\left[\frac{\text{(days before hauling)}}{\text{(days in month)}} \right] (\text{usage range}) = \text{adjusted usage range}$$

2 The following equation (expressed in gallons) will be used to determine if any water produced in the district during the hauling period can be billed at the normal rate described in (B) after the usage ranges have been adjusted in proportion to the fraction of the month after hauling began.

$$(\text{total billed usage}) - (\text{total hauled}) = \text{total normal cost water}$$

Total normal cost water will be equally divided amongst the customers and billed at the normal rate. Zero usage customers will not be included in this equation.

3 The hauled water will be billed according to the following hauled water structure.

<u>Usage Range (gallons)</u>	<u>Charge (per 100 gallons)</u>
0 to 3000	estimated cost
3001 to 6000	1.5 X estimated cost
Greater than 6000	2 X estimated cost

These ranges refer to a customer's total usage during the hauling period. These usage ranges will be adjusted in proportion to the fraction of the month when water was hauled and to reflect water billed at normal rates [see section (6C2)].

$$\left\{ \left[\frac{\text{(days hauled)}}{\text{(days in month)}} \right] (\text{usage range}) \right\} - (\text{normal rate water from section 6C2}) = \text{adjusted hauled cost usage range}$$

(7) The monthly service charges for customers with multiple EQR units being serviced through a single tap will be calculated as follows:

(A) The basic monthly service charge is multiplied by the number of EQR units.

(B) The total usage in gallons will be divided by the number of EQR units being serviced through the single meter, an average usage per unit is thus defined.

- (C) This usage per unit is then subject to billing under the above rate structure for single family residences.
 - (D) The resulting usage per unit charge is then multiplied times the number of EQR units to arrive at the water usage charge for the billing period.
- (8) Billing of monthly water service fee shall begin the first day of the month following the payment of the tap fee.

- (9) **All water use will be in compliance with the Water Augmentation Plan of the District (which limits homeowners to NO more than 6000 gallons per month) and the Declaration of Agreement Establishing Building Restrictions in Pinewood Springs. Continued non-compliance after notification by the District may result in termination of water service pursuant to action by the Board of Directors of the District. Water usage by an EQR in excess of the average allowed by the Augmentation Plan (6000 month) will be subject to an excessive usage fee as defined below:**

First Offense- a warning letter will be sent from the District.

Additional Offenses-will be based on usage and number of offenses:

6001-7000 gallons	\$100.00 (x # of offenses)
7001-9000 gallons	\$250.00 (x # of offenses)
greater than 9000 gallons	\$500.00 (x # of offenses)

This is a lifetime accrual of offenses. A warning does not count as an offense. The third offense requires a mandatory appearance at the next regular board meeting for consideration of charges and/or disconnection of services. If the customer fails to appear it will result in termination of water service until such time as appearance before the board is made. Determination of fines, EQR purchase and service termination will be made at the discretion of the Board of Directors at the time of appearance.

- (10) Service Reinstatement Fee (Turn-On Fee) following a Board enforced turn off will be \$50.00 per occurrence.
- (11) Disconnect Notice Fee for issuance of notice to delinquent accounts will be \$25.00 per occurrence.
- (12) Returned Check Fee for checks returned for "Not Sufficient Funds" will be \$10.00 per occurrence.
- (13) Lien Filing Fee for delinquent accounts will be assessed per legal fees incurred.
- (14) Any accumulated overdue service and delinquent account charges are sufficient to cause a lien to be filed.

**Appendix A is subject to revision by the Board of Directors at any time without prior notice.

APPENDIX B

SERVICE LINE CONSTRUCTION

- 1.1 General. Soil conditions vary widely in the Pinewood Springs development and excavation for installation of water service lines must take local conditions into account. Sandy loam, clay, decomposed granite and granite are found. The following recommendations are intended to provide guidance in the installation of service lines to minimize problems and to promote long and satisfactory service.
- 1.2 Excavation. Dig trenches, straight and true to line, and grade as conditions permit. The bottom of the trench should be free from rock points that could puncture or abrade the service line. It is recommended the service line shall be in open areas free of rock. A minimum of 5 feet of cover over the service line, and six feet of cover over the service line should be provided under driveways and rocky areas. This recommendation is to ensure against winter freezing of the water in the service line.
- 1.3 Excavation. The service line should be placed in the trench on a cushion of either undisturbed natural soil or compacted fine sand. If compacted sand is required, it should be sufficient depth to provide at least six (6) inches cover over rock points.
- 1.4 Back-filling. All back-fill material should be free of rocks, large clods, roots and other foreign matter. If an adequate quantity of appropriate back-fill material is not available, six (6) inch cushion of sand should be placed over the service line to avoid damage to the line. If the trench is under a driveway, sidewalk or other structure that could be adversely affected by settlement, the back-fill should be progressively compacted in six(6) inch layers to a 95%compaction.

APPENDIX C

PINEWOOD SPRINGS WATER DISTRICT
APPLICATION AND PERMIT FOR WATER TAP AND/OR SERVICE

Applying for: Water Tap Water Service Both

Property Owner(s): _____

Water Service Address: _____

Billing Address: _____

Telephone: _____

Property Description: Lot # _____ Filing # _____

Type of Structure: Single Family _____ Other _____

Provide additional detail including number of bathrooms if "Other" is business or commercial _____

Tap Fee Status: If prepaid - Prepaid Date _____ Amount _____
If not prepaid - Payment in the amount of _____ is attached.

Note: Application for water tap will expire one (1) year from the date of application. (See PSWD Rules and Regulations Section 4.2)

WATER SERVICE AGREEMENT

I, _____, in consideration of the right to connect to and use the District's water system, agree to abide by the following:

1. The duly adopted Rules and Regulations (of which I have received a copy) of the Pinewood Springs Water District and any amendments thereto.
2. Use the District's water supply and water system only for in-house domestic purposes. **Absolutely no outside watering!** (See Section 3.3)
3. Pay for water service as the District may direct.
4. Advise the District when a tap is to be made and request that the District's Superintendent or other authorized personnel be present.
5. No taps shall be made from November 15 to April 1 without prior written authorization from the District.

DATE

APPLICANT'S SIGNATURE

PINEWOOD SPRINGS WATER DISTRICT
PERMIT AND INSPECTION FOR WATER SERVICE CONNECTION

Property Owner(s): _____

Water Service Address: _____

Telephone: _____

Property Description: _____ Lot # _____ Filing # _____

Service Line Inspection

Depth of line: _____ Size of line: _____ Type of Pipe: _____

Proper location of line: _____ Type of fill material _____

The service line and connection to the meter pit and service lateral has been completed and inspected and conforms to the District's standards as specified in the Rules and Regulations. Permit for connection to the District's system is approved.

DATE

SUPERINTENDANT'S SIGNATURE

Meter Pit Installation Labor and Materials

Description	<u>Hrs/</u> <u>Qty</u>	Description	<u>Hrs/</u> <u>Qty</u>
Labor - Manual	_____	Brass Tee	_____
Backhoe	_____	Brass Thread / Barb Union	_____
Meter Pit	_____	Brass Reducing Bushing	_____
Meter Pit Cover	_____	Brass Thread / Flare Union	_____
Meter with Remote Readout	_____	PVC Stand-Pipe 3" Sched 40	_____
Remote Wire	_____	PVC Stand-Pipe Cap	_____
Post 4"x4"x5' for Remote	_____	_____	_____
Brass Curb Stop	_____	_____	_____
Setter 3/4" Copper	_____	_____	_____
K-Copper Tube 3/4"	_____	_____	_____
Insulation	_____	_____	_____