

RULES AND REGULATIONS  
GARDNER WATER AND SANITATION PUBLIC IMPROVEMENT DISTRICT

**SECTION 1.**

1. GENERAL-EXPLANATORY MATERIAL

1.1 Scope. These Rules and Regulations shall be treated as new and comprehensive, governing the operations and functions of the Gardner Water and Sanitation Public Improvement District to include Bulk Water, and shall supersede previous Rules and Regulations of the District and previous changes contained in the Minutes of the District, and shall be superseded only by State Laws governing the District and future changes contained in the Minutes of the District.

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 Gardner Water and Sanitation Public Improvement District.

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

- 1.3.1 "Board" shall mean the governing body of the Gardner Water and Sanitation Public Improvement District.
- 1.3.2 "District" shall mean Gardner Water and Sanitation Public Improvement District to include Bulk Water.
- 1.3.3 "Shall" is mandatory; "may" is permissive
- 1.3.4 "Administrator" shall mean the Administrator of the District, or in his/her absence, his/her duly authorized representative.
- 1.3.5 "Operator" shall mean the person or persons duly authorized by the District to enforce these Rules and Regulations, and oversee and insure operation of the water and sewer systems.
- 1.3.6 "Person" shall mean any individual, firm, company, association, society, corporation or group.
- 1.3.7 "Contractor" shall mean any person, firm or corporation duly licensed or authorized by the County to perform work and to furnish materials therefore within the District, or within the County.
- 1.3.8 "Permit" shall mean duly authorized permission of the Board to a public sewer or water main of the District pursuant to the Rules and Regulations of the District.
- 1.3.9 "Customer" shall mean any person, company, corporation, or governmental authority or agency authorized to use water, or connect to the public sewer under a permit issued by the Board.

- 1.3.10 "Water Main" shall mean any water pipe, line or portion thereof, owned or controlled by the District.
- 1.3.11 "Water Service Line" shall mean the pipe, line, conduit from the water main to an individual house or other structure.
- 1.3.12 "Water Tap" shall mean the act of connecting a service line to a water main.
- 1.3.13 "Bulk Water" shall mean water dispensed from the bulk water fill station.
- 1.3.14 "Sanitary Sewage" shall mean any liquid waste containing animal or vegetable matter in suspension or solution, from residences, business buildings, institutions and industrial establishments.
- 1.3.15 "Sewer" shall mean a pipe of conduit for carrying sewage.
- 1.3.16 "Sewer Main" shall mean any sewer pipe, line or portion therefore, owned or controlled by the District.
- 1.3.17 "Public Sewer" shall mean a sewer main in which all owners of abutting properties have equal rights; it is controlled by the District.
- 1.3.18 "Sanitary Sewer" shall mean a sewer which carries sewage, and to which storm, surface and ground waters are not intentionally admitted.
- 1.3.19 "Industrial Wastes" shall mean the liquid wastes from industrial or commercial process as distinct from sanitary sewage.
- 1.3.20 "Building Drain" shall mean that part of the lowest horizontal piping of a building drainage system from the stack or horizontal branch, exclusive of the storm sewer, extending to a point not less than five (5) feet outside of the building wall.
- 1.3.21 "Building Sewer" shall mean the extension from the building drain to the public sewer main.
- 1.3.22 "Stub-in" shall mean the connecting of the surface line to the water and/or sewer main.
- 1.3.23 "Sewer Tap" shall mean the act of connecting a building sewer to a public sewer main.
- 1.3.24 "Connection" shall mean the connection of the service line to the structure which it is to serve.
- 1.3.25 "User" shall mean any person to whom water and/or water service is served, be it renter, record owner, corporation, company, individual, etc.
- 1.3.26 "Actual Cost" shall mean all direct costs applicable to the construction of a given transmission line, including construction, engineering, inspection, plan approval and permit fees, etc, which have been paid by the line constructor.
- 1.3.27 "Calendar Year" shall mean January 1st until December 31st in any given year.
- 1.3.28 ANY OTHER TERM not herein defined, shall be defined as a present in the "Glossary - Water and Sewage Control Engineering", A.P.H.A, A.W.W.A, A.B.C., and F.S.W.A., latest editions.
- 1.3.29 "Plant Investment Fee" shall mean a fee that is intended to recover the cost of constructing the public improvement district.

**Appendix A.**

Ordinance #1

**SECTION 2.**

**2. OWNERSHIP AND OPERATION OF FACILITIES**

2.1 Policy. The District is responsible for the distribution of water for domestic use to residents within the District, and at the discretion of the Board, the provision of water to non-residential properties within the District, and the maintenance, repair and replacement of all mains, hydrants, valves, and service facilities owned by the District, but shall not be liable or responsible for inadequate pressure or interruption of service brought about by circumstances beyond its control. The District is also responsible for the operation and maintenance of the bulk water fill station and sewage collection system, in a sound and economical manner, in accordance with these Rules and Regulations.

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 or supply line, pipe, cock, or meter by any employee of the District; failure of the water supply; cutting 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; obstructed or burst service pipes or other facilities now owned by the District; damage to water heaters, boilers, or other appliances resulting from shutting water off, or turning it on, or from inadequate or sporadic pressures; damages caused by circumstances beyond the District's control; or for doing anything to the water or sewer system of the District deemed necessary by the Board or its agents. The District hereby reserves the right to cut off the water supply at any time, for any reason deems appropriate.

2.3 Power and Authority of Inspectors. The Administrator, Operator, and other duly authorized employees 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.

2.4 Defective Meters. It shall be the duty of all consumers to notify the District Office if their meters are operating defectively.

The District assumes no responsibility for the cost of repairing the defective meters, for the cost of water as shown by defective meters, or for any cost or expense relating to or caused by malfunctioning water meters. Controversies concerning such items of cost and expense shall be resolved between the consumer and the Board.

3. USE OF PUBLIC WATER AND SEWER SYSTEM

3.1 No unauthorized person shall uncover, make any connection with, or opening into, use, alter, or disturb any public water or sewer main, or water meter, or other appurtenance or facility, without first obtaining the duly authorized permission of the Board.

3.2 Responsibility of the Customer.

3.2.1 No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or polluted industrial process waters to any sanitary sewer.

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

3.2.3 The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Board, who may prescribe limits on the strength and character of these waters and wastes. Where necessary, in the opinion of the Board, the owner shall provide, at their expense such preliminary treatment as may be deemed necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for the approval of the District and of the State Board of Health, and no construction of such facilities shall commence until such approval is obtained. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at their own expense.

3.2.4 When required by the District, the owner of any property served by a sewer carrying industrial wastes shall install and maintain at their expense, a suitable control manhole in the sewer to facilitate observation, tests, and analysis of the wastes, and maintenance of the service line. Such manhole shall be accessible, and safely located, and constructed in accordance with plans and specifications approved by the District. All measurements, tests, and analysis of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examinations of Water and Wastewater", latest edition and shall be determined at the control manhole, or upon suitable samples taken at said control manhole. All food service establishments shall install a grease trap prior to sewer entering service line.

3.2.5 Each customer shall be responsible for maintaining the entire length of their sewer service line and water service line, up to and including their connection to the water and sewer mains. Leaks or breaks in the service lines shall be repaired by the property owner or duly authorized agent, or at the District's discretion, by the District through its duly authorized agents, at the property owner's expense, within the shortest time span deemed appropriate by the District or the Administrator, Operator, or other duly authorized agents of the District. The District hereby reserves the right to shut off the service until the leaks or breaks have been repaired. It shall be the duty of all those 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 by the District's facilities. They shall also take note that there is no wastewater in the shut off at the meter barrel, nor at the main, and that any water standing in the pipes when water is turned off at the meter shut off or main waste valve. (Employees of the District, as such, are expressly forbidden to manipulate the stop and waste valves, or do any other plumbing work whatsoever, unless specifically authorized to do so by the Board.) It is expressly stipulated that the District will assume that every property is equipped with a stop and waste valve, and failure of the property owner to so equip their property will under no circumstances alter the liability of the District. All persons having boilers, or other appliances on their premises, depending on pressure of 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 a surge or loss of pressure.

3.3 Possession of Hydrant Wrench or Valve Shut-off Keys Unlawful. It shall be unlawful for any person other than authorized personnel to have, in their possession, a hydrant wrench or valve shut-off key. Any police officer, personnel of the District, or Fire Department are hereby authorized to confiscate any hydrant wrench or valve shut-off key found in the possession of unauthorized persons.

3.4 Protection from Damage. No unauthorized person shall willfully, maliciously, or negligently, uncover, break, damage, destroy, deface, or tamper with any structure, appurtenance, or equipment which is part of the water or sewage works, including fire hydrants. Any person violating this provision shall be subject to immediate arrest under charge of vandalism.

Any person who shall continue any violation, shall be charged with a misdemeanor, and upon conviction thereof, shall be fined in an amount as established by the courts for each violation.

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

## SECTION 4.

### 4. APPLICATION FOR SERVICES AND CHARGES

Inclusions. Water, bulk water and sewer service shall be furnished only to persons whose property is included within and subject to the Rules and Regulations of, and location by, the District. Issuance of a water account does not guarantee a source of water in perpetuity.

It shall be incumbent upon the applicant to furnish satisfactory evidence of inclusion in the District. Satisfactory evidence may consist of a tax receipt or certificate in lieu thereof, received from, and signed by the County Treasurer.

A person owning land outside the exterior boundaries of the District, who desires service, must include all of the land contiguous to the parcel upon which service is desired into the District, unless the District permits otherwise.

A formal request for inclusion into the District shall be made by the applicant, accompanied by a minimum non-refundable payment of one thousand (\$1,000) dollars for legal fees and the estimated costs of publication. Additional costs which may occur shall be paid by the applicant prior to approval by the Board.

4.1 Service outside the District. The District may, if it seems advantageous to the District, furnish water service to properties located outside the boundaries of the District, but, under no circumstances, shall the District construct any water mains, at its own expense, to service such properties. No sewer service shall be provided to property outside of the District except upon the expressed dually authorized consent of the Board.

4.2 Charges for furnishing water or sewer service outside the District shall be at the discretion of the Board, but no service shall be furnished to properties outside the District unless the charge therefore at least equals one and one half (1 ½) the rate for service within the District.

These Rules and Regulations shall be applicable to all property owners outside the District who are furnished water or sewer service by the District, and no connections to the District's water or sewer mains shall be permitted until the property owners shall have agreed to abide by the Rules and Regulations; provided however, that the Board, in its discretion, may charge a higher connection fee and inspection fee for properties not located within the District.

In every case where the District furnishes water or sewer service to properties outside the District, the District expressly reserves the right to discontinue the service when, in the

judgment of the Board, it is for the best interest of the District to do so, and such service shall be considered a revocable license.

4.3 Application for Service. Application for service, and/or resumption of service, and/or transfer of service, must be formally made to the district, and be accompanied by payment of appropriate fees prior to action by the Board or its duly authorized agents.

4.4 Cancellation of Application and Refund of Fees. The District reserves the right to revoke any application previously granted, before service has been provided. Application for water and/or sewer service does not bind the applicant to “use the service”. Such applications shall be retained, along with fees paid, by the District for a period of twelve (12) months. If the applicant has not by then requested service, the Board, at its discretion, may cancel the application and refund fees paid, minus any costs incurred by the District, without interest.

4.5 Denial of Application. The District reserves the right to deny application for service on any of the following grounds:

That connection of the system to applicant’s existing plumbing would constitute a cross-connection to an unsafe water supply or sewer, or

That the service applied for would create an excessive seasonal or other demand on the facilities; or

That the use of any and all water within the District is not for DOMESTIC USE ONLY; or

That the uses of water now or hereafter are prohibited uses within the District; or

That approving the application shall not be in the best interest of the District, or in violation of any laws governing the operation of the District, as determined by the Board.

4.6 Change in Customer’s Equipment or Service. Prior to making any change in water or sewer service or meter installation, a customer must file an amended application with the District, at least three (3) working days prior to making the proper change.

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

4.7 Types of Service. Water service shall be metered by the District. Residential sewer service shall be provided at the flat rate. Non-residential sewer service may be charged at different rates, as set by the Board. Industrial or commercial sewage of unusual characteristics shall be metered, and the cost of all such metering equipment shall be

paid by the metered, and the cost of all such metering equipment shall be paid by the applicant for service.

4.8 New Construction. All new construction and any reconstruction within the District must connect to applicable water and sewer at owner's expense.

4.9 Water Tap Fee Schedule. The Fee Schedule can be changed by the Board, at any time, with required public notice.

The current "tap" or "connection" fees for water within the District shall be by meter size, as follows:

|      |       |             |             |
|------|-------|-------------|-------------|
| 5/8" | meter | \$5,500.00  | Residential |
| 5/8" | meter | \$5,500.00  | Commercial  |
| 3/4" | meter | \$6,500.00  | Residential |
| 3/4" | meter | \$6,500.00  | Commercial  |
| 1"   | meter | \$7,500.00  | Residential |
| 1"   | meter | \$7,500.00  | Commercial  |
| 1 ½" | meter | \$16,000.00 | Residential |
| 1 ½" | meter | \$16,000.00 | Commercial  |

2" and above – As set by the Board

The District shall assess a charge of \$1,500.00 for a stand-by fire protection tap up to and including 2" in diameter; \$4,000.00 for a stand-by fire protection tap larger than 2" in diameter, but not exceeding 4" in diameter.

The annual service charge for stand-by fire protection shall be assessed as follows:

|    |     |          |
|----|-----|----------|
| 2" | tap | \$75.00  |
| 4" | tap | \$150.00 |

An annual certification is required.

Stand-by fire protection tap fees charged to commercial users shall be identical with those charged to all other users in the district.

The owner is responsible for all costs associated with the water line installation beyond the meter and any damages that result to the meter, yoke, or any part of the water system as a result of owner's work. Charges shall be paid by the applicant for a tap, or by their duly authorized agent. Any costs in addition for connection of said water tap shall be at the property owner's expense.



Sale of water from a domestic meter is strictly prohibited. Conviction of a violation can be penalized in an amount equal to one month's base water bill and/or suspension of service.

- 4.10 Sewer Tap Fee Schedule. The Fee Schedule can be changed by the Board, at any time, with required public notice. A single family dwelling with a 5/8" – 3/4" water tap shall be considered as one basic unit.

The current "tap" or "connection" fee shall be \$3,000.00 for one basic unit, if residential.

The current "tap" or "connection" fee shall be \$5,000.00 for one commercial unit.

The cost of the sewer tap fees EXCLUDES any and all costs of construction and installation from the main. Such excluded charges shall be paid by the applicant for service, or by their duly authorized agent.

- 4.11 Special Service Contracts. The Board may enter into special service contracts for water if it is to the District's best interest to do so. Charges shall be set by the Board. Customers must agree to abide by these Rules and Regulations. The District expressly reserves the right to discontinue the service when, in the judgment of the Board, it is for the best interest of the District to do so, and such service shall be considered a revocable license.

- 4.12 Water Charges. Water charges may be changed by the Board, at any time, with required public notice.

One basic unit shall be a single family dwelling. The minimum monthly charge for having service on at the meter shall be \$32.00 per basic unit, which shall also include the first three thousand (3,000) gallons used per basic unit per month. Where more than one basic unit is served by the same meter, the minimum monthly charge for having water on at the unit shall be \$32.00 per unit, multiplied by the number of units which shall also be deemed the payment for three thousand (3,000) gallons per month per unit. Additionally, a "Plant Investment Fee" is now charged on all existing/new accounts. Plant Investment fee is an additional \$1.00 per month per water account, sewer "Plant Investment Fee" is an additional \$3.00 per month per account. The "Plant Investment Fee" is in addition to current monthly use charges and incorporated into monthly bill.

Monthly Rate Schedule for additional usage:

3,001 to 6,000 gallons \$2.50 per 1,000

6,001 to 10,000 gallons \$3.70 per 1,000

Above 10,000 gallons \$6.00 per 1,000

Additionally used gallons above those covered by the minimum monthly charges, shall be charged precisely according to the amount of metered water used.

Charges for special service, and out-of District service may be set as deemed appropriate by the Board.

Uses of water for non-domestic purpose within the District for purposes of all construction, watering of livestock etc. shall require the prior express written permission of the District, which may limit or prohibit such use as, deemed in the best interest of the District, and shall be classified as a limited special service contract. Sale of metered water is strictly prohibited. Violation and conviction of anyone caught selling water from a domestic service can be penalized in the amount equal to one month's base water bill and/or suspension of service.

All water used shall be metered, unless metering is specifically waived by the District for a limited special service contract. Where more than one unit is serviced by a single meter, the Board may, at its discretion, order the user(s) to install separate meters; the additional meter(s) shall be treated as new customers to whom all applicable sections of these Rules and Regulations shall apply.

#### 4.12.1 Bulk Water Fill Station Rates:

County Resident Rate: \$0.04 cents per gallon for up to 30,000 gallons per calendar year, limited to 2,500 gallons per month. Use exceeding 30,000 gallons per calendar year will be charged \$0.08 cents per gallon, limited to 1,500 gallons per month. County Resident status is defined as a parcel of land within the 81040 postal zip codes, or the Upper Huerfano River drainage basin with an approved conforming primary residence on the parcel.

Non County Resident Rate: \$0.08 cents per gallon for up to 30,000 gallons per calendar year, limited to 2,500 gallons per month. Use exceeding 30,000 gallons per calendar year shall not be permitted. Non Resident is defined as an owner of any un-improved parcel of land with the 81040 postal zip codes, or within the Upper Huerfano River basin, or any user outside of the Upper Huerfano River basin.

***Approval of all bulk water accounts is subject to inspection of subject property by a county representative and approval of the Board.***

Contractors licensed in Huerfano County shall be charged a rate of \$08.5 per gallon and limited to 15,000 gallons per calendar year.

All users of the bulk water station shall be required to pre-pay for water at the Huerfano County Finance office, located at 928 Russell Street, Walsenburg, CO 81089. Hours of operation Monday-Friday 8:00 a.m. – 4:00 p.m. excluding weekends and holidays. All

bulk water customers are required to complete a “Permit and Agreement for Bulk Water Use” application. A non-refundable new application administrative fee of \$50.00 dollars is due at time of application submittal.

Huerfano County has land use regulations. Account holders charged with a land use violation(s) shall have their account suspended. If it is determined that a violation does exist all remaining fees will be forfeited and the account terminated. NO EXCEPTIONS. Issuance of a bulk water account does not guarantee a source of water in perpetuity.

#### 4.12.2 Monthly Sewer Charges:

The sewer charges may be changed by the Board, at any time, with required public notice. Charges shall be at a flat rate for each month of connection. The charges are for one basic unmetered unit as defined in Paragraph 4.9 of these Rules and Regulations, and/or any other connected unit.

A monthly service charge within the District for a SEWER AVAILABILITY FEE for all sewer lines to property for a basic unit shall be \$25.00 monthly. Charges for other than a basic unit, and/or a metered unit, shall be determined by the application of an equivalency rating (“eqr”) multiplier to the basic-unit rate schedule; the “eqr” shall reflect the corresponding amount of use as compared with one basic unit; any controversy over the setting of an “eqr” shall be resolved between the consumer and the District.

The Gardner Elementary School shall be charged for sewer service at the rate of \$50.00 per month.

4.13 Additional Water Charges. The customer shall be billed for any expense relating to their negligence or any violation of these Rules and Regulations, and/or any changes in the equipment deemed by the Board as necessary to be made to comply with applicable laws and regulations.

4.14 Turn On & Turn Off Fees. If water services are discontinued or restored at the request of the customer, or discontinued due to delinquency, a “turn on” or “turn off” application shall be completed and a fee of \$25.00 shall be charged for each; the customer is expressly forbidden to turn service on or off at the meter.

4.15 Deposits. Applicants for water service shall be required to place on deposit with the District, the sum of \$60.00 per unit to be served. Deposits shall not garner interest; such deposits may be applied towards the customer’s final bill, and any unused balance shall be refunded to the customer once the account is cleared. When service is transferred from the owner of a unit to a renter or new owner, the owner’s deposit must be held until the renter’s or new owner’s deposit is paid regardless if a transfer.

4.16 Application Fee. A non-refundable application fee of \$50.00 will be assessed for new service. Whenever the Board may see fit to classify a pre-existing water account as being

chronically in arrears it shall have the right to require that customer to place on deposit an additional \$60.00 per unit served.

There shall not ordinarily be a deposit required for sewer service, but whenever the Board may see fit to classify a sewer account as being chronically in arrears, it shall have the right to require that the customer place on deposit an amount not to exceed the estimated annual service charges; such deposits shall be treated in the matter as water deposits. A chronically in arrears account is one deemed past due in an amount of \$150.00 in a (6) month period within the calendar year. A lien on the property shall be filed on accounts deemed chronically in arrears.

4.17 Water and Sewer Service Billing. Statements for all water and sewer charges shall be rendered by the District on a monthly basis, including customers using sewer service only. Charges for late payments, “turn on” and “turn off” fees, meter repairs, etc., shall be added to the monthly bills. The monthly billing period shall commence with the reading of the water meters by the operator. Whenever possible, this shall be done near the end of the calendar month. If the water meters cannot be read, billing shall be done on the basis of the minimum monthly charges. Water bills shall be mailed out within five (5) days, and shall show previous and current meter readings whenever possible. All charges due on any given monthly billing shall be due and payable IN FULL by the 20<sup>th</sup> day of the month following that month which the charges are for. All charges which are overdue at the time of any monthly billing shall be assessed a \$10.00 Late Payment Penalty charge. Any bill showing any overdue amount shall say, in red, “Payment-in-Full” due by the 20<sup>th</sup> of the month”. If payment is not received by the District by that date, a 10-Day Shutoff Notice shall be mailed. If no payment is made by the time of expiration of the 10-day Shutoff Notice, the Operator will be directed to turn off water service at the meter, even if said meter services more than one unit and only one account is in arrears. The deposit for service, if any, may be applied against the outstanding bill, and the PID shall require that a \$60.00 deposit be paid before service is restored. Customers using both water and sewer service shall be billed monthly for their sewer service in the same manner as for water service. Customers are still liable for any past due amount and current amount due even if the water meter is turned off by the Operator due to nonpayment. Accounts that have been delinquent for at least (6) six months and are in excess of \$150.00 per account will be assessed as a lien against the owner’s real property service address.

All addresses within the District with sewer connection shall be assessed a monthly sewer fee. Customers using only sewer service shall be billed monthly for any overdue amounts, with Late Penalties assessed for any overdue amounts. A chronically in arrears account is one deemed past due in an amount of \$150.00 in a (6) month period within the calendar year. A lien on the property shall be filed on accounts deemed chronically in arrears.

When the Operator is unable to obtain a monthly meter reading, the District will bill the customer according to the minimum monthly charges.

If a customer's check does not clear the bank, the amount of that payment credit, plus \$25.00 shall be charged against the customer's account, and the District shall proceed with any course of action indicated, except that it may not shut off service without having mailed a 10-day Shut-Off Notice. The District shall also refuse to accept a replacement check, and shall require payment by Cash or Money Order.

The District may, at its discretion, have any delinquent account entered for Collection, and refuse to provide service to any unit for which the account is not in good standing.

Until paid, 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 in the manner provided by the Statutes under which the District was formed.

4.18 Liability for Payment. The property and the property owner are hereby deemed equally liable for charges of the District. The District assumes no responsibility for any agreements between landlords and tenants, regardless of how made, or of the District having been notified of such agreements. Even if the deposit(s) for service and monthly billing shall be held in the account name of a user or occupant other than the owner of property, the property and/or property owner shall be solely liable for all unpaid charges appurtenant to water and/or sewer service provided to that property.

4.19 Owner Tenant Responsibility. The District assumes no responsibility for agreements between vendors and vendees. It shall be the responsibility of the owner to notify the District for final and start meter readings and completion bills. It shall be the responsibility of the vendee to ascertain whether all charges (e.g., tap fees, monthly bills) have been paid by the vendor. Regardless of ownership, or of the failure of the District to collect tap charges at the time of issuance of permits, or any other act or omission of the District, unpaid charges shall constitute a first and perpetual lien on and against the property, which lien may be foreclosed as provided in Paragraph 4.18, and the District shall have the right to refuse to restore service until the account is cleared.

4.20 Meter Readings. There shall be no charge for meter readings within the District necessary for the preparation of the regular monthly bills. Any special meter reading within the District shall be made upon customer request for a fee of \$10.00 each.

## SECTION 5.

### CONSTRUCTION OF SERVICE LINES AND MAINS

Before any excavation within the District takes place, underground utilities must be located and marked by calling 811 prior to the commencement of excavation work being performed. Stationary and movable objects shall not be placed in any area that covers, blocks or in any other way impedes the clear access to system components/infrastructure. The District reserves the right to remove such obstructions for the purpose of system access for routine maintenance and emergency access.

5.1 Construction of all service lines shall be done by plumbers licensed in accordance with the Technical Plumbing Code of the State of Colorado, or other duly authorized agents of the District, to specification previously approved by the District.

5.2 A separate and independent water and sewer service line shall be provided for every building unless the Board approves joint use of a service line, which approval shall be revocable by the Board at any time.

5.3 Each commercial structure provided service shall have an individual and separate service line and tap for each unit in the structure, or if not divided into units, then there shall be a water and sewer line and tap for each building lot or site or structure. The Board may approve joint use of a service line, but such approval shall be revocable at any time.

5.4 The water service line may be soft, Type K, copper or A.W.W.A approved poly-vinyl chloride (PVC) pipe. Fitting shall be brass, copper alloy, "McDonnell Compression Flare System", "Brass Insert System" (Part Number 4670 or ¾") or "Brass Inset Adapter" fittings on copper pipe and PVE ring type connections on PVC pipe. All construction shall be done by licensed plumbers, licensed contractors, or under the supervision of the Operator or other duly authorized agents of the District. Connections shall be "flared" methods. Except upon the express consent of the District, no service line may be more than one hundred and fifty (150) feet in length from the property line nearest the main to a point of connection to the structure.

5.5 The sewer service line shall be PVC or approved equal. The line shall be water-tight, and on a constant 2% grade, in a straight line; and not closer than three (3) feet from any bearing wall. Except on the express consent of the District, no service line shall be more than one hundred fifty (150) feet in length from the property line nearest the main to a point of connection to the structure.

5.6 Existing wye or tee branches which are accessible in public sewers shall be utilized for the building connection; those public sewers in which the wye or tee branches exist, but are inaccessible, or where no wyes are provided, shall be tapped by the use of machine and accepted prefabricated saddles, both of a type approved by the District; joints between existing wyes or

tees and building sewers shall be made with a joint material or factory compression coupling approved by the District; all saddles shall be joined to the public sewer by an epoxy material approved by the District; building sewer connections shall be constructed with water tight joints; concrete encasement will not be considered as water tight, and shall not be used as a joint, nor will it be used as a means of repairing damaged joints or pipe unless approved by the District; saddle connections shall be made in a smooth, round hole, machine-drilled into the public sewer; the machine drilled hole shall be such size to provide one eighth inch (1/8") clearance between the outside of the saddle and the hole, and this space shall be completely filled with epoxy joint material; the space between the shoulder of the saddle and face of the public sewer shall be on eighth inch (1/8") thick, and this space shall also be filled with epoxy joint material. Existing sewer lines are PVC Pipe.

5.7 The water service shall be brought to the building at a depth of four and one half (4 ½) feet of cover. No service shall be laid paralleled to, or within three (3) feet of any bearing wall which might be thereby weakened. The water service shall be laid at uniform grade, and in straight alignment.

5.8 All excavation required for the installation of water or sewer service lines or mains shall be open-trench work, unless otherwise approved by the District. Pipe laying and backfill shall be performed in accordance with the District's standard specifications.

5.9 The applicant for service shall notify the District when the service line is ready for inspection and connection to the main. The connection to the main shall be made by bonded plumbers or pipe layers under the supervision of the Operator or other duly authorized agents of the District; plumbing work contracted for, by a licensed plumber, may be performed by them through journeymen plumbers or apprentices under their direct supervision, but the licensed plumber must be liable for all work performed.

5.10 Revocation of Construction Permit. The violations of any of these Rules and Regulations, or the District's installation specifications shall constitute sufficient grounds for the revocation of the District's permission for that party to do any further construction. Whenever it appears a violation has been committed, or the District revokes a construction permit, a written notice shall be sent.

5.11 Plumbers' Licenses and Construction Permits Not Transferrable. No licensed plumber shall permit their license to be used by any other plumber, nor permit any person for whose work the plumber will not accept complete responsibility, to do any work. No construction permit granted to any party shall be transferable except to directly supervised assistants, and the work performed by any such assistants shall not relieve the holder of the construction permit from any responsibility.

5.12 All water and sewer mains installed within the area under the jurisdiction of the Board shall be done only by licensed and bonded plumbers and contractors.

An annual \$10,000 performance bond shall be furnished to the Board. Insurance shall be carried in favor of the Board in the amount of \$200,000/500,000 personal liability, and \$1,000,000 property damage. Certificates of Insurance shall be filed with the Board when applying for bond.

5.13 All contractors, plumbers and others doing work on any water or sewer main, service lines, or structures in the District shall comply with Huerfano County, or State Highway Department regulations on excavation, backfill, compaction and restoration of surfacing.

5.14 All construction work and materials shall meet the standards and specifications of the District.

5.15 All permits, fees and licenses shall be paid for by the contractor, plumber, or others doing work in the District, prior to the start of construction.

5.16 All excavations for water and/or sewer service installations shall be adequately guarded with barricaded and lights so as to protect the public from hazard. Street, sidewalks, parkways, and other public or private property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

5.17 All daily inspection fees on water or sewer construction required by the District, County, or the State Highway Department shall be paid by the plumber, contractor or other doing work for the District.

5.18 Inspection Charges. There shall be a \$20.00 inspection charge for each inspection by the Administrator, Operator or Inspector of the District for each water or sewer line or main inspection made.

5.19 Cross Connection Control. There shall be full compliance with the codes set forth by the Colorado Department of Public Health and Environment. A cross connection is any physical connection or arrangement of pipes between two otherwise separate piping systems, one of which contains potable water and the other water unknown or of questionable safety, or steam, gasses, or chemicals, whereas there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems. It will be illegal for anyone to have a Cross Connection while on the water or sewer system. The water meter will be disconnected until the Cross Connection is removed. See Appendix A Gardner Public Improvement District Backflow Ordinance.



## SECTION 6.

### WATER AND SEWER LINE EXTENSIONS

6.1 Requirements in Section 5 of these Rules and Regulations are also applicable to this section.

6.2 It shall be unlawful for any person to construct a water and/or sanitary sewer main within the jurisdiction of the Board, without first having made formal application to the Board for approval, and having complied with the regulations of the Board.

6.3 All water and sewer main extensions within the jurisdiction of the Board shall be made under the supervision of the Board's engineer or other duly authorized agent of the District. Plans for such extension shall be submitted to the Board, along with the application for a line extension. Said plans shall be approved for compliance with the Board's "Master Plan", and such study for compliance shall be at the applicant's extensions shall be constructed according to the Board's specifications.

6.4 Locations of Water Main and Sewer Extensions and Additions. Water and sewer mains shall be installed in roads or streets which the County, State Highway Department, or other public agency has accepted for maintenance as public right-of-way, as well as in easements granted to the District.

6.5 Procedure for Water and Sewer Main Extension Construction. If the land owner, developer, or sub-divider has agreed to the engineering layout or design, and preliminary cost estimated for the work, they shall enter into a line extension contract with the District, covering standard regulations on line extensions and rebates for transmission lines, and at the option of the District, they shall either:

1. Deposit, in advance with the District, an amount equal to the agreed estimated cost so that the District can construct the line extension with its own forces; or they shall;
2. Obtain a minimum of three competitive bids directly from contractors for the work, and furnish the District a performance bond guaranteeing the performance of the work, holding the District harmless for payment to the contractor, and one year's maintenance bond, and let the contract go to the lowest responsible bidder.

If one (1) above is elected, and the deposit is not great enough to equal the lowest responsible bidder's bid, the land owner, sub-divider or developer shall be so notified, and no contract shall be let until the deficiency is added to the deposit. Upon completion of the work, the final cost shall be certified by the engineer, and any overage refunded, or deficiency made up by the land owner, sub-divider or developer.

6.6 All water and sewer main and lateral extensions which 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. The Board reserves the right to select the contractor of its choice from the bidders for the work. Construction of these lines, and consulting engineering fees as established herein, shall be paid by the Board, subject to the reimbursement provisions of this section.

6.7 A performance and maintenance bond equal to one hundred percent (100%) of contract (or construction cost) shall be furnished to the District on all water and sewer main construction contracted for by the District.

6.8 All daily inspection fees on water and sewer mains required by either the District, or the State Highway Department or any other authorized agency shall be paid by the plumber, contractor or others doing work in the District.

6.9 Special structures, such as pumping stations, etc., required to insure proper operation of the water and/or sewer extensions, shall be constructed from designs of the Board's engineer, subject to the reimbursement provisions of this section.

6.10 Land owners, developers or sub-dividers who have completed construction of water and sewer mains shall, before these lines are accepted by the District for taps, deed these lines and appurtenances to the District, free and clear of all liens and encumbrances, and the bond furnished in paragraph 6.5 shall cover all maintenance for one year from the date of acceptance of the lines by the District.

6.11 Each land owner, sub-divider or developer who desires water and/or sewer service will, in consultation with the approval of the District plan and grant to the District appropriate easements and right-of-way in which to construct the same, where such facilities be required to cross land not being subdivided, or under the sub-dividers control for granting of public right-of-way.

## **SECTION 7.**

### **WATER AND SEWER LINE EXTENSION POLICY**

This policy covers subdivision extensions, extensions on District perimeter, extensions to serve un-platted property, extensions replacing private lines, and extensions outside the District limits. All water and sewer main construction shall be included in one of the above classifications.

7.1 Extension in Subdivisions and Platted Areas. Before any water or sewer main extension can be made to serve any subdivision or platted area, the constructor shall obtain the prior approval of the Board of Directors and engineer of the District, and any costs related to this shall be paid by the constructor.

7.2 Extension of Water and Sewer Mains to Serve Un-platted Property Inside the District. Extension of water and sewer lines to serve property already in the District, but no part of a platted subdivision, shall be financed by the constructor, subject to the right of recovery as hereafter provided.

7.3 Extension on District Perimeter. The cost of extensions along streets lying partly inside and partly outside the District limits shall be made on the basis of front footage owned by adjacent property owners. The District shall pay the assessment on the land lying outside the District limits, and shall collect such payments from those property owners at the time the land is annexed. If, for any reason, the Board shall determine that land lying outside the District limits will probably not be annexed to the District, then the District will pay no assessment on this land, and all of the cost of the extension shall be paid by the constructor.

7.4 Extensions of Mains Outside the District Limits. No mains shall be extended outside the District limits, except to serve property within the District (across islands, or between peninsulas) except upon the expressed consent of the Board of Directors under the terms of a revocable permit.

7.5 Connecting Water Main Loops. Connecting water main loops and cross-ties within a subdivision shall be constructed and paid for by the sub-divider. If the connecting loop is such that property outside the subdivisions abuts such loops or ties, and connections are made to such lines, the reimbursement provision of this policy shall apply.

Connecting loops, in the nature of a general improvement to the water distribution system, not abutting or adjacent to subdivision, shall be financed by the District. Before any abutting property shall connect to such mains laid at District expense, a charge determined by the Board shall be collected; such charge shall be based on the actual construction cost of the main.

## **SECTION 8.**

### **CONSTRUCTION OF WATER AND SEWER MAINS**

8.1 Costs. The constructor shall pay the cost of construction of all water and/or sewer mains, including engineering, inspection and legal fees which may be required, except as otherwise provided herein.

Construction cost shall include right-of-way or easements, valves, fire hydrants, and any other appurtenances of all mains. The District will then reimburse the constructor on the portion of the line between the existing system and their subdivision of property, in accordance with Section 9 of these Rules and Regulations.

8.2 Construction by Contract or by District Forces. If it is agreed upon by the District and the constructor, the constructor may install the mains in their subdivision by private contract, upon approval of the plans and specifications by the District, and District inspection of actual construction.

Upon agreement between the District and the constructor, the constructor shall deposit with the District the estimated cost of installing the main and the District shall then proceed to make the actual installation with its own forces or by contract with private contractors. In the event that the original deposit was insufficient, the sub-divider shall, upon notification, immediately deposit the balance due to the District to complete the work.

8.3 Extensions to Property Lines. All extensions constructed under this Section, and not being paid for by the District, shall be installed to the far side of the property, in order that the water or sewer system may be continued, unless the District expressly waives this requirement; extensions being installed at the District's expense may be exempt from this provision.

#### 8.4 Main Sizes.

Water. The size of the main required to serve any area of the District shall be determined by the District. No main less than six inches (6") in diameter shall be placed in the water distribution system. Persons or sub-divider desiring water service shall pay all costs up to and including mains eight (8") in diameter, together with necessary valves, hydrant, and other appurtenances. No new water taps shall be issued until a sewer tap is installed to meet District specifications and is determined by inspection to meet code.

Sewer. The minimum size of sewer mains constructed as part of the District sewage system shall be eight inches (8") in diameter.

8.5 Oversize Mains. The District may, at its option, require the construction of water or sewer mains larger than the minimum sizes specified above.

The District will not participate in the cost of installing water or sewer mains which are oversized, except in specific instances where the District shall enter into specific agreements for such installations.

Payment to contractor for construction of oversized mains shall be made by the District only when an agreement has been made to make such payment prior to construction of oversized mains, and when as, and if funds are available to do so, the date of payment to be at the discretion of the Board of Directors of the District.

8.6 Pumping Station and Force Mains. The cost of constructing pump stations necessary to serve an area that cannot connect to the existing sewage system, or where water pressures are

not adequate, construction of a pumping station shall be the responsibility of the constructor or customer to be served. In those cases where it appears more than one constructor or customer may be served by the pump station, the District may require larger capacities than those necessary to serve the initial construction. Where such larger capacity is required, it shall be paid for by the District, and collected back from other persons or constructors desiring connections to lines served by the pump station. Such changes shall be paid prior to the time any connections are made.

Force mains shall be constructed at the expense of the constructor or customer. Both pump stations and force mains shall become the property of the District upon acceptance by the District.

8.7 Preservation of Gravity Sewer System. In those instances where pumping stations and force mains are required, the sewage system shall be so designed as to permit eventual connections into a gravity system with a minimum of expense. Where practicable, assessments shall be provided and lines constructed to tie into the gravity system. The District may require deposits, where deemed necessary, to insure the eventual constructions of gravity lines.

## **SECTION 9.**

### **ASSESSMENTS AND REIMBURSEMENTS FOR WATER AND/OR SEWER MAIN EXTENSIONS**

9.1 The District shall collect from all persons desiring to connect to and extend an installed water and/or sewer main, a fee based on the abutting footage of property to be served in relation to the cost of the water or sewer line. The cost shall be determined on the basis of the ratio of frontage of the proposed construction to the entire frontage served by the main in question, or as determined by the Board.

9.2 The assessments for water and sewer main extensions against the benefitted property shall not exceed the actual cost of the extension, plus engineering and administrative cost, less any cost agreed to be contributed by the District. Before charging any assessment the District shall set a maximum figure, the excess costs shall be paid by the constructor.

9.3 All assessments for the main extensions shall be due and payable at the time a permit is issued.

Exceptions and variances to the rules and regulations shall only be considered for approval by the Directors of the Gardner Public Improvement District.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Huerfano County, Colorado, that, the Rules and Regulations governing the Gardner Water and Sanitation Public Improvement District are adopted, and shall supersede all previous documents of the Gardner Public Improvement District and the Gardner Water and Sanitation District.

ATTEST:

\_\_\_\_\_  
County Clerk and Recorder and  
Ex-Officio to said Board

BOARD OF COUNTY COMMISSIONERS  
OF HUERFANO COUNTY, COLORADO

BY \_\_\_\_\_  
Edward Ray Garcia, Chairman

\_\_\_\_\_  
Max Vezzani, Commissioner

\_\_\_\_\_  
Gerald A. Cisneros, Commissioner

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