

EAST LAKEWOOD  
SANITATION DISTRICT

AMENDED AND RESTATED  
RULES AND REGULATIONS

ADOPTED  
June 12<sup>th</sup>, 2013

AMENDED  
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EAST LAKEWOOD SANITATION DISTRICT  
RULES AND REGULATIONS

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EAST LAKEWOOD SANITATION DISTRICT  
RULES AND REGULATIONS

ARTICLE I

00 - DEFINITIONS

Unless the context specifically and expressly indicates otherwise, the meaning of terms used herein shall be as follows:

- .01 - ABILITY TO SERVE LETTER: A letter issued by the District to an applicant for service or a developer for a proposed development or connection which will indicate that the District will allow connection to its system. The ability to serve may contain conditions and an expiration date.
- .02 - ACTUAL COST: All costs applicable to the construction of a given Main or Service Line, including, but not limited to, construction, engineering, inspection, and plan approval fees, which have been paid by the District or Line Constructor. Actual Costs shall include the cost of acquiring rights-of-way, easements, lift stations, and any other appurtenances of all Mains.
- .03 - BOARD or BOARD OF DIRECTORS: The duly elected or appointed Board of Directors of the District, which acts as the governing body of the District.
- .04 - BUILDING SEWER: The extension from the building drain to the District sewer.
- .05 - CHARGES, FEES OR RATES: Any fees, rates, tolls, penalties, charges and assessments related to the District's Sewer Service or Sewage System and imposed by the District as provided for in its service plan, these Rules and Regulations, through adoption by official action of the Board, or by any other means allowed by law.
- .06 - CONNECTION: The connecting of the Service Line from the structure which it is to serve to a Main or Stub-Out from a Main.
- .07 - CONSTRUCTOR or LINE CONSTRUCTOR: The land owner(s), developer(s), subdivider(s), or agency(ies) actually paying for the construction of the Service Lines or Mains.
- .08 - CONTRACTOR: Any Person, firm, corporation or other entity authorized by the District to perform work and to furnish materials within the District.

- .09 - CUSTOMER: Any Person, company, corporation, governmental authority or agency, or other entity authorized to connect to the Sewage System under a permit issued by the Board of Directors.
- .010 - DEVELOPER: Any person or firm who owns land and seeks to have the land served by the District.
- .010 - DEVELOPMENT: Land that is being developed by a Developer or other Person and which is anticipated to be connected to the District's Sewage System and receives Sewer Service from the District. The Development may consist of residential, commercial, or industrial development.
- .011 - DISCONNECTION: The blocking or removal of a Service Line from a Main so as to prevent access to the District's Sewage System from the Service Line. Disconnection may occur when a property is razed, a service line abandoned, or other situations that break the connection between the service line and the District's collection system.
- .012 - DISTRICT: The East Lakewood Sanitation District, a quasi-municipal corporation and political subdivision of the State of Colorado.
- .013 - DISTRICT ENGINEER: A Professional Engineer, registered in the State of Colorado, that has been designated by the Board to do engineering work for the District, or to act in such capacity.
- .014 - DUPLEX: A two-unit structure.
- .015 - EMERGENCY REPAIR: Any occurrence, condition or system failure that requires immediate action by the District, as determined by the District in its sole discretion.
- .016 - EXPANSION: the widening of any Main or Service Line beyond its current width.
- .017 - EXTENSION: the lengthening of any Main or Service Line beyond its current length.
- .018 - FEE SCHEDULE: The schedule of Fees, Rates and Charges adopted by the Board and on file with the District Manager at the offices of CliftonLarsonAllen, 8390 East Crescent Parkway, Suite 600, Greenwood Village, Colorado 80111, and available to the public, as it may be amended from time to time.
- .019 - IMPREST ACCOUNT. An account established by the District from funds provided by a developer or other applicant to assure payment of connection fees, plan review fees, and all legal and managerial fees and costs associated with any connection.

- .020 - LICENSED PLUMBER, PIPE LAYER, or CONTRACTOR: The person who is bonded in an amount sufficient to the District and holds a license to perform the required work by the State of Colorado and, where applicable, the City of Lakewood, Colorado.
- .021 - MANAGER. The person selected by, and operating under the authority of, the Board of Directors, with regard to the administration of District matters.
- .022 - METRO OR METRO DISTRICT: The Metro Wastewater Reclamation District.
- .023 - MULTI-UNIT CONNECTION: One Connection serving three or more Units.
- .024 - PERMIT: Written permission of the Board of Directors to connect to a public Sewer Main of the District or modify a Sewer Main of the District pursuant to the Rules and Regulations of the District.
- .025 - PERSON: Shall mean any individual, firm, company, society, corporation, association, limited liability company, partnership, group, or governmental unit other than the District.
- .026 - PRETREATMENT: The treatment of Special Sewage by a User prior to such Special Sewage being introduced into the Sewage System. Pretreatment of Special Sewage as required by these Rules and Regulations shall comply with the standards and guidelines for pretreatment set forth in the Rules and Regulations and the Pretreatment/Industrial Waste Control requirements of the Metro Wastewater Reclamation District.
- .027 - RULES AND REGULATIONS. These Rules and Regulations of the District, as may be amended from time to time.
- .028 - SAMPLING: The periodic collection of Sewage samples for analysis.
- .029 - SERVICE LINE OR SEWER SERVICE LINE: Any line, pipe, system of lines or piping and appurtenances, used as a conduit for Sewage between a structure used for residential, commercial, public use or industrial purposes to a Connection with the District's Sewer Mains as the case may be.
- .030 - SEWAGE: A combination of liquid or water-carried wastes originating from any residential, commercial, or industrial structures or other establishments, which may include, but is not limited to, household wastes, human excreta, animal or vegetable matter, organic or inorganic material in suspension or solution, and other solids in suspension or solution. The District recognizes the following three types of Sewage, as further defined in Section 400.06 of these Rules and Regulations: (1) Normal Sewage; (2) Special Sewage; and (3) Prohibited Sewage.

- .031 - SEWAGE SYSTEM: All facilities and appurtenances owned by the District and used for the collection, treatment, and disposition of Sewage.
- .032 - SEWER MAIN OR MAIN: Any pipe, system of piping and appurtenances used as a conduit for Sewage in the District's Sewage System and owned by the District. Unless otherwise designated by the Board, a Main shall be any line eight inches (8") or more in diameter.
- .033 - SEWER SERVICE: Any and all services related to the Sewage System that are provided by the District to a property, Customer, User, Developer, or other Person.
- .034 - SHALL is mandatory; MAY is permissive.
- .035 - STATEMENT: the invoice or bill for services as prepared by the District and mailed to the property and/or property owner(s).
- .036 - STUB-OUT: the point where the Service Line is or will be brought from the Sewer Main to the property line of the property served or to be served by the Sewage System.
- .037 - SYSTEMS DEVELOPMENT FEE: The payment to the District of a fee for the privilege of connecting to the District's Sewage System, and to use the other programs, services and facilities furnished by the District.
- .038 - TAP: The connection of a Sewer Service Line to the Mains or Stub-Outs and its extension through any exterior wall of the structure it is to serve.
- .039 - TESTING: The analysis of samples of Sewage.
- .040 - UNIT: A dwelling having at least one bath and one kitchen facility.
- .041 - USER: Any Person to whom the District provides service, be it renter, record owner, individual, corporation, company, or other entity.
- .042 - ANY OTHER TERM not herein defined may be defined as presented in the "Glossary - Water and Sewage Control Engineering," American Water Works Association (A.W.W.A.), and American Society of Civil Engineers (A.S.C.E.), latest editions, but otherwise shall be defined with regard to the context in which it is used herein.

## ARTICLE II

### 200 - GENERAL

- .01 - SCOPE: Except where revised, these Rules and Regulations shall be treated and considered as the continuing and comprehensive regulations governing the operations and functions of the East Lakewood Sanitation District, and shall where revised supersede all previous regulations of the District.
- .02 - PURPOSE: The purpose of these Rules and Regulations is to provide for the administration and operation of the Sewage System of the East Lakewood Sanitation District. Compliance with these Rules and Regulations is the responsibility of all Persons utilizing, extending, modifying, or maintaining the District's Sewage System. Unless specifically undertaken herein, or by operation in specific cases, the District assumes no responsibility to oversee or supervise the activities of others in their access or use of the District's Sewage System.
- .03 - POLICY: The Rules and Regulations hereinafter set forth will serve the public in securing the health, safety, prosperity, security, and general welfare of the inhabitants of the East Lakewood Sanitation District.
- .04 - METRO CONTRACTS: The Rules and Regulations hereinafter set forth are expressly made subject to any and all contracts entered into between the District and the Metro District and any inconsistency in those contracts, or in the Rules and Regulations of those other entities which may, under those agreements, be applicable, shall be resolved in favor of whichever provision is the more restrictive in scope. Where both entities assess fees and charges for a single event or use of the District's Sewage System and/or services related thereto, unless expressly stated to the contrary both fees and/or charges shall be paid by the required Person and both shall constitute a lien of the District as if both were assessed by the District.
- .05 - AMENDMENT: These Rules and Regulations are adopted and subject to later amendment by action of the Board of Directors of the District. The Board of Directors may from time to time enlarge upon, delete, change or amend these Rules and Regulations at any time, at a regular, continued, or specially called meeting of the Board.

Whether stated in the body of this document or not, amendments which are declared in the minutes of the meetings of the Board of Directors, or effected by virtue of the entry by the Board into, or the amendment of, any agreement, shall be in full force and effect from the date of such declaration or agreement. Where these Rules and Regulations call for a determination by the Board as to their application or operation, or where additional action is necessary to effectuate these Rules and Regulations (i.e., the adoption of additional controls and guidelines) the Board shall do so by resolution at a regular or special meeting, and

such resolution shall be made a part of the District's records and by its adoption shall be made a part hereof whether incorporated into the body hereof or not.

Any dispute as to the interpretation of these Rules and Regulations or as to their application in any given case shall be submitted to the Board of Directors and the Board's decision shall be final. The Manager shall have the authority to make interim decisions on matters not covered by these Rules and Regulations. Such interim decisions shall be binding until ratified or altered by the Board of Directors.

.06 - VIOLATION OF RULES AND REGULATIONS: 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, including, but not limited to, attorneys' fees and costs should they be incurred, and the Board may assess a penalty against the property of the person violating the Rules and Regulations in an amount calculated to recover the expense, loss or damage occasioned. All such expenses and amounts so assessed shall be deemed a Charge of the District and may be enforced by means of a perpetual lien against the property served, which may be foreclosed in accordance with the provisions of these Rules and Regulations and Colorado law.

.07 - HEARING PROCEDURES: The District has the right to revoke Sewer Service and effect the Disconnection of Sewer Service from a property for non-payment of District Charges, for violation of these Rules and Regulations, violations of the Metro District rules and regulations, or for other situations as deemed appropriate by the Board through adoption of a resolution or approval set forth in the District's meeting minutes. Prior to the revocation of Sewer Service or Disconnection by the District, the Customer shall be given 10 days' notice of its right to a hearing on the matter. Said hearing must be requested by the Customer in writing and shall be held by the District at the next regular meeting of the Board, or at a special meeting of the Board called for such purpose. If the District's Charges will be disputed at the hearing, the Customer must deposit the disputed amount with the District prior to the hearing. At the hearing, the Customer shall have the opportunity to present testimony and evidence to the Board. In making its determination, the Board shall consider the testimony and evidence of the Customer along with any other information it deems relevant.

Following the hearing, the Board's decision shall be final, and Sewer Service may, if deemed appropriate by the Board, be revoked and the property may be disconnected from the Sewage System.

.08 - NO RIGHTS CONFERRED: No provision of these Rules and Regulations, nor any amendment thereof by whatever method, shall be interpreted or construed as conferring any right, property or other, upon any individual or entity other than the District itself.



- .09 - INFORMATION RELEASE POLICY: It is the policy of the District that the public have reasonable access to accurate information concerning the activities of the District. The District shall allow the public access to its records to the full extent allowed by Colorado law, specifically including, but not limited to, Section 24-72-201 et seq., C.R.S. The exclusions to access specified in Section 24-72-204 C.R.S. and any other relevant statutes shall apply to restrict access to certain records.

District records shall be available for inspection at the offices of the manager for the District: CliftonLarsonAllen LLP, 8390 East Crescent Avenue, Suite 600, Greenwood Village, Colorado 80111, between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday except holidays. Requests for information or access to a District file shall be granted as soon as reasonably possible under the circumstances.

No files shall be loaned to any member of the public for removal from the District offices or the offices of the attorney for the District.

All references herein to the Colorado Revised Statutes are to those statutes as they may be amended from time to time.

- .010 - MISCELLANEOUS:

- a. Gender: Whenever required by the context, the singular shall include the plural, the plural the singular, and one gender shall include all genders.
- b. Severability: The invalidity or unenforceability of any particular provision, sentence, phrase or word of these Rules and Regulations shall not affect the other provisions herein, and these Rules and Regulations shall be construed in all respects as if such invalid or unenforceable provision sentence, phrase or word were omitted.
- c. Headings for Convenience Only: The headings used herein are for convenience only and in no way expand or contract the meaning or scope of any section.

### ARTICLE III

#### 300 - OWNERSHIP AND OPERATION OF FACILITIES

- .01 - POLICY: The District is empowered and shall endeavor to operate and maintain the Sewage System in a sound and economical manner, in accordance with these Rules and Regulations and those of the Metro District, but shall not be liable or responsible for interruption of service brought about by circumstances beyond the District's control.

It shall be the usual responsibility of Developers to finance the cost of all new Mains, Service Lines and any appurtenances required to serve their Developments; however, the District may participate in the cost for construction of a Main, Service Line or appurtenances if it deems such participation or assumption of general benefit to the District.

- .02 - DISCONNECTION OF SERVICE: The District hereby reserves the right to disconnect the Sewer Service at any time, for any reason deemed appropriate including, but not limited to, any violation of these Rules and Regulations or Board policies as set forth in the District minutes.

- .03 - OWNERSHIP: All existing and future Sewer Mains, connected to the Sewage System and accepted for maintenance by the District shall become and are the property of the District.

All existing and future Service Lines connected to the Sewage System shall become and are the property of the property owner.

The District assumes no liability whatsoever with regard to any facility or infrastructure not owned by the District.

- .04 - POWERS AND AUTHORITY OF EMPLOYEES AND INDEPENDENT CONTRACTORS: Duly authorized employees or independent contractors of the District, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of repairs, inspection, meter reading, observation, measurement, sampling, and testing, or any other reasonable purpose concerning the business and affairs of the District.

Except to the extent specifically authorized by the Board, no such agent or employee shall have any authority to bind the District in any manner, commit to do anything on behalf of the District, admit to any negligence, failure or indiscretion on the part of the District, or in any manner speak for or on behalf of the District.

## ARTICLE IV

### 400 - USE OF SEWAGE SYSTEM

- .01 - CONNECTION: all connections (i.e. “taps”) to the District’s collection system must follow and conform to these Rules & Regulations.
- .02 - EXCAVATION OR DISTURBANCE OF MAINS: No unauthorized Person shall uncover, make any connection with, or opening into, use, alter, or disturb any Sewer Main or appurtenance without first obtaining a Permit from the District.
- .03 - METRO RULES: The District’s wastewater is ultimately treated by the Metro Wastewater Reclamation District and the Rules and Regulations of the Metro District are adopted and incorporated herein by this reference, together with all amendments and addendums thereto, and where any inconsistencies exist between Metro rules and these Rules and Regulations the inconsistency shall be resolved in favor of the more restrictive measure.
- .04 RESPONSIBILITIES OF THE CUSTOMER: Each Customer shall be responsible for maintaining the entire length of the Service Line serving his or her property. Leaks, stoppage, or breaks in such Service Line must be repaired by the Customer within seventy-two (72) hours, after notification of such condition by the District. If the District is unable to determine, in its sole and absolute discretion, whether a leak, stoppage, or break exists within a Main or within a Service Line, or if satisfactory progress toward repairing said leak, stoppage, or break has not been completed within such time period, service shall be shut off until the sewer leaks, stoppage, or breaks have been repaired and the District shall be authorized to immediately perform an Emergency Repair.

In the event that the District performs an Emergency Repair to a Service Line, the District shall charge the Customer for the cost of such Emergency Repair, plus ten percent (10%), and shall have and may enforce a perpetual lien against the property served for such Charge as provided in these Rules and Regulations and Colorado law. In the event that the District is unable to determine whether the leak, stoppage, or break exists within a Main or Service Line, the seventy-two (72) hour notice requirement of this Section 400.04 shall not apply, and the District shall be authorized to complete the Emergency Repair. To the extent that all or any portion of such Emergency Repair is performed on a Customer's Service Line, the District may proceed to charge and collect that portion of the cost of the Emergency Repair properly allocated to the Service Line from the Customer, which cost shall be a Charge of the District and be enforceable by the perpetual lien against the property of such Customer to secure payment of such Charge.

- .05 SWIMMING POOLS: Swimming pools may be connected to the District's Sewage System upon approval of the Board following full disclosure of the characteristics of the swimming pool water to the Board and a finding by the Board that the Sewage System is capable of providing service.

Pools shall require a permit issued by the Board of Directors that specifies the dates and hours during which time the pool may be drained, if such drainage is discharged to the District's collection system. Additionally, the Board reserves the right to review and require changes to the pool's system relating to the size and type of outlet, traps, drains, and other components, and including annual service charges and/or special fees relating to treatment of pool discharge, and for the inspection of the pool and all ancillary equipment required to operate the pool.

- .06 PROHIBITED DISCHARGE: Except as provided in the Rules and Regulations , no person shall discharge or cause to be discharged to any Sewer Main, any non-pretreated Special Sewage or Prohibited Sewage (as hereinafter defined in Section 400.07) or any other 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 System, or other interference with the proper operation of the Sewage System. Such other harmful waters or wastes as referenced in this subsection shall be determined by the District or Metro District in their sole discretion.

No Sewage, water or waste, or any other liquid or solid item shall be discharged into the District's Sewage System if such discharge would violate any district, state, or federal law, rule, or regulation.

- .07 CLASSIFICATION OF SEWAGE: This section of the Rules and Regulations shall provide the basic policies of the District for classification of Sewage and for control of discharge of Sewage into the Sewage System. Sewage is classified into three main categories, termed "Normal Sewage," "Special Sewage," and "Prohibited Sewage," as hereafter defined. The classification of Sewage within the three main categories shall be the responsibility of the District and Metro District and shall follow recommended procedures of the Colorado Department of Public Health and Environment.

- a. Normal Sewage: Normal Sewage shall mean Sewage which can be treated without pretreatment and within normal operating procedures, and which, when analyzed, shows by weight a daily average of not more than 300 parts per million of suspended solids and not more than 250 parts per million Biochemical Oxygen Demand (B.O.D.).
- b. Special Sewage: Special Sewage shall mean any Sewage which does not conform to the definition of Normal Sewage, but which can be accepted by the District after Pretreatment.

- c. Prohibited Sewage: Prohibited Sewage shall mean any of the types of Sewage enumerated in Section 6 of the Rules and Regulations of the Metro District entitled Pretreatment/Industrial Waste Control (including Deleterious Waste as defined therein) or any other Sewage which may reasonably be anticipated to have a negative effect upon the Sewage System, or any Persons or property.

Prohibited Sewage shall include, but not be limited to, clear water such as storm water, surface water, ground water, runoff, sub-surface drainage, or cooling water injected into the Sewage System by means of a drainage collection system. Said drainage water is detrimental to the Sewage System since it interferes with the District's volume capacity and with the biological process necessary for proper treatment.

- .08 PRETREATMENT: Special Sewage shall not be introduced to the Sewage System by any Person without first being subjected to Pretreatment. The admission into the Sewage System of any Special Sewage shall be done in accordance with Section 6 of the Rules and Regulations of the Metro District entitled Pretreatment/Industrial Waste Control.

- .09 PROTECTION FROM DAMAGE: No Person shall maliciously, willfully, or negligently, break, damage, destroy, uncover, deface or tamper with any portion of the District's Sewage System.

In the event any Person shall violate the provisions of this Section, the District may take all necessary steps to insure that said Person shall be subject to criminal prosecution to the fullest extent provided by Colorado law. The District may, in addition, bring a civil action for trespass, conversion, destruction of property, or any other appropriate civil remedy and seek punitive damages and reasonable attorneys' fees and court costs.

- .10 GREASE TRAPS and/or SAND/OIL INTERCEPTORS: Each business, restaurant, bar, school, medical center, nursing home, establishment or any other Customer regularly providing food service to its customers, residents, patrons, patients, or members of the general public shall maintain and make available for inspection at all times a grease trap and/or a sand/oil interceptor so located and functioning that it will operate to capture grease and any other Special Sewage or Prohibited Sewage before the same enter the Sewage System of the District. The responsibility for installing, cleaning, and maintaining the grease trap shall be that of the Customer. Access to the grease trap shall be available to properly authorized representatives of the District at all times. Failure of the Customer to maintain and clean the grease trap shall constitute a violation of these Rules and Regulations. In the event that the Customer should fail to properly maintain and operate the grease trap, the District shall have the right to (a) clean the same at the expense of the Customer, or (b) to revoke service. All costs incurred by the District in connection with cleaning the grease traps or revoking Sewer Service

pursuant to this section shall constitute a Charge of the District and be enforceable by means of a perpetual lien against the property affected until paid.

- .11 - GREASE TRAP DESIGN: Each application for Sewer Service which requires installation of a grease trap under the foregoing section shall be accompanied by a design of the grease trap for approval by the District. Any variation from the design as submitted must be approved by the District. Following the completion of the grease trap, the Customer shall provide the District with an as-built drawing thereof and final inspection by the District will include inspection of the grease trap. Any costs associated with review and inspection of the grease trap design and installation shall be borne by the Customer.
- .12 - DISCONNECTION: Individual service lines may be disconnected from the District's main collection system in the event that a property's structure is razed, rehabilitated or modified. Disconnection will result in complete termination of a property's right to access the District's main collection system, and future service at the property shall require a new connection fee.

Disconnection from the main collection system shall not occur without notifying the District. At a minimum, the District will review the Disconnection plans, and inspect the actual disconnection. A disconnection fee may be charged by the District.

## ARTICLE V

### 500 - APPLICATION FOR SEWER SERVICE

- .01 - SERVICE INSIDE THE DISTRICT: All Persons applying for service inside the District will present a written application to the Board stating the Person's name, address, telephone number, service address, and description of service requirements. The Board shall consider the application at the next regular meeting or a special meeting called for such purpose, and shall decide whether to provide service and the type of service to be provided based upon Sewage System capacity and the best interests of the District and its residents.
- .02 - SERVICE OUTSIDE THE DISTRICT: The District may, if it seems advantageous to the District, furnish service to properties located outside the boundaries of the District, by contractual agreement approved by the Board of Directors and Metro District where applicable. Such service shall conform to these Rules and Regulations. The District is not responsible for the construction of any sewer main lines to serve property(ies) outside the District.
- .03 - CHARGES FOR SERVICE OUTSIDE THE DISTRICT: Charges for service furnished outside of the District shall include fees and a payment in lieu of ad-valorem taxes levied by the District. In addition, the property served shall be responsible for all costs associated with connection to the District's infrastructure and commencement of the Sewer Service to the property.
- .04 - SPECIAL SERVICE CONTRACTS: The Board may enter into special service contracts if it is in the best interest of the District and at the sole discretion of the Board.
- .05 - CHANGE IN CUSTOMER'S EQUIPMENT OR SERVICE: A Customer shall file an application with the District at least thirty (30) days prior to making a change in service or in the use of the property served. The District shall have the right to collect from the Customer all costs it may incur for the conversion. The District shall have the right of access to inspect the property with regard to the change in equipment or service.

No change in the Customer's equipment, service or use of property shall be made without the approval of the District being first obtained and without first paying any applicable fees or charges.

- .06 - CHANGE IN USE AND/OR SQUARE FOOTAGE: A Customer or User desiring to change the use and/or the square footage of its premises at any time between payment of a connection fee and connection to the District's sewer lines shall give notice to the District of the proposed change in use and/or square footage and apply for additional connection service as may be necessitated by the change of use and/or square footage. There shall be a calculated connection fee for the use

and/or square footage as changed, in accordance with these Rules and Regulations and the Fee Schedule, as if no fee had been paid originally; provided that credit will be given for the payment of the original connection fee, in the original amount. In no event shall a refund be given.

Any Customer not notifying the District of such change in use and/or square footage shall be assessed all additional fees on its next Statement after determination by the Board that there has been a change in use and/or square footage. The Statement shall serve as notice that such additional Systems Development and/or other Fees are past due and must be paid within thirty (30) days. Any Customer or User shall have the right to a hearing to determine whether a change in use and/or square footage has occurred. Such hearing shall be held at the next regular meeting of the Board following request for a hearing or at a special meeting called for such purpose. Before a requested hearing is held, no additional Systems Development and/or other Fees shall be enforced as delinquent.

- .07 An ABILITY TO SERVE LETTER for a proposed development or redevelopment as may be requested by an applicant or developer from the District for use with other entities, may be issued by the District, through its manager, for service inside or outside of the District, as follows:

An ability to serve letter may be issued on compliance with the necessary criteria of the District and may contain conditions and an expiration date.

An ability to serve letter shall only be issued upon a deposit with the District for the minimum as set forth in its annual fee schedule resolution. The minimum deposit to the IMPREST ACCOUNT for a development shall be as set forth in the District's Annual Fee and Rate Resolution as it may be amended from time to time.

Upon application of the Board for service, and the issuance of a building permit by the applicable jurisdiction, the tap fees of East Lakewood, and Metro Wastewater shall be deducted from the IMPREST ACCOUNT. The IMPREST ACCOUNT shall also be used to compensate the district for all of its related plan review, engineering, management, and legal expenses associated with the application. Should the amount on deposit in the IMPREST ACCOUNT for a particular development, after deductions described herein, fall below ten (10) percent of the initial deposit prior to issuance of a Certificate of Occupancy, it shall be replenished by the applicant or developer as directed by the Board.

Upon presentation to the District of a Certificate of Occupancy for the proposed developmental or redevelopment, the District shall refund to the applicant or developer the balance remaining in the imprest account, if any.



## ARTICLE VI

### 600 - FEES AND CHARGES

The information contained in this section is pertinent to all Rates, Fees, and Charges of whatever nature to be levied for provision of Sewer Service inside the District. Rates, Fees, and Charges as herein established shall be set forth in a separate Fee Schedule, which is on file and may be viewed by the public at the administrative offices of the District, and shall remain in effect until modified by the Board. Nothing contained herein shall limit the Board from modifying the Rates and Charges set forth in the Fee Schedule or from modifying any classification set forth in these Rules and Regulations.

- .01 - APPLICATION OF THIS SECTION: The Rates, Fees, and 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.
- .02 - TYPE OF SERVICE: Rates, Fees, and Charges for Sewer Service shall be established by the Board by Resolution on an annual basis.
- .03 - SERVICE CHARGE: Whenever possible, Statements for Sewer Service will be directed to the owner of record of the property rather than the occupant. When a multi-unit structure exists with a number of Units receiving Sewer Service from the District through one meter, said multi-unit structure shall receive a Statement for all Units serviced by the District. In no event shall the District bill the owners of individual Units within a multi-unit structure unless service to each Unit is metered separately. Service Charges shall be as reflected in the Fee Schedule and shall be based on equivalent Units.
- .04 PAYMENT OF SERVICE CHARGES: Statements for Charges shall be rendered as defined in a Resolution adopted by the District's Board of Directors. Charges and penalties for late payments, shall be added to the Statements. All Statements rendered by the District shall indicate a "Billing Date." All Statements shall include a notice that a Statement which is not paid in full within five days of an indicated date (the "Due Date") shall be assessed a 5% penalty.

In addition, if payment in full including penalties, if any, is greater than \$300 and more than six months past the due date, and in addition to any other means provided by law, the District may elect, by Resolution, at a public meeting held after written notice to the Customer (or property owner if different than the Customer), to have certain delinquent fees, rates, tolls, penalties, charges, or assessments made or levied for Sewer Service certified to the Jefferson County Treasurer to be collected and paid over by the Jefferson County Treasurer in the same manner as taxes are authorized to be collected and paid over pursuant to section 39-10-107, C.R.S. Additional fees and/or charges may be imposed by the District and/or Jefferson County if such certification occurs.

- .05 INSPECTION FEES: Inspection Fees shall be assessed as provided for in the Fee Schedule.

No work shall start until all District Fees have been paid and the District office is notified that the inspected work conforms to the District's Rules & Regulations.

- .06 MISCELLANEOUS COSTS AND EXPENSES: All costs and expenses incident to the installation and connection of Sewer Service shall be borne by the property owner, Customer, Developer, or Constructor. Such property owner, Customer, Developer, or Constructor shall indemnify the Board for any loss or damage that may directly or indirectly be occasioned by the installation of Sewer Service.

- .07 LIABILITY FOR PAYMENT: Until paid, Rates, Fees, and Charges shall constitute a first and perpetual lien on or against the property served and any such lien may be foreclosed in the manner provided by law.

The District shall have the right to assess any Person who is tardy in payment of his account all legal, court and other costs necessary to or incidental to the collection of said account. All such costs shall be deemed a Charge of the District.

The District assumes no responsibility hereby for any agreement made between property owners, Customers, occupants or any other Person including landlord and tenants, regardless of how made or whether the District was notified of such agreement. However, under all circumstances the property owner shall be ultimately liable for Rates, Fees and Charges of the District. The District reserves the right to hold the Sewage System User, Customer, occupant, and property owner jointly liable for all Charges appurtenant to Sewer Service at the address where the bills are sent.

- .08 DISCONNECTION FEE: Customers requiring disconnection of Sewer Service shall be liable for a disconnection Fee as set forth in the Fee Schedule.

- .09 PENALTY FOR UNAUTHORIZED CONNECTION: It shall be a violation of these Rules and Regulations for any person other than employees or officials of the District, or permitted Contractors to connect a Service Line to the District's Main collection system, and in addition to usual connection fees, a penalty of up to \$2,500 shall be charged to the property owner for any unauthorized connection.

## ARTICLE VII

### 700 - SERVICE LINE CONSTRUCTION

- .01 - SERVICE LINE REQUIREMENTS: A separate and independent Service Line shall be provided for every structure receiving Sewer Service from the District. The Board may waive the requirement of a separate Service Line if an agreement concerning such waiver has been entered into with the District. All Service Lines shall be installed at the expense of the Customer or property owner, except as otherwise provided herein.

Duplex properties must have a separate Service Line for each Unit regardless of whether the Duplex property has a single water line serving both Units or has two separate water lines.

Each commercial structure hereafter constructed shall have an individual Service Line and connection for each commercial Unit in the commercial structure, or, if not divided into Units then it shall have a separate Service Line and connection for each structure.

Service Lines shall be installed in accordance with the specifications set forth in Appendix A attached hereto and incorporated herein by this reference.

No work shall begin until all District fees have been paid.

- .02 - INSPECTION: The Person applying for the connection Permit shall notify the District when the Service Line is ready for inspection and connection to the Sewer Main. The connection shall be made by Licensed Plumbers or Pipe Layers, but plumbing contracted for by a licensed master plumber may be performed by him through journeymen plumbers or apprentices under his direction.

## ARTICLE VIII

### 800 – SEWER MAIN LINE EXTENSIONS and/or EXPANSIONS

- .01 - MAIN SIZES: The minimum size Sewer Main shall be eight inches (8") in diameter unless demonstrated by engineering analysis, such analysis to be paid for by the Developer or other Person applying for Sewer Service and approved by the Board, in its sole discretion, that a reduced size will be in the best interests of the District and its residents. The Sewer Main required to serve any area shall be sized by the Developer or other Person applying for Sewer Service, contingent on the approval of the District. In the event the existing or future Sewer Main is insufficient to serve the needs of the District, its residents and/or the new development, or is anticipated by the District to be insufficient to serve the future needs of the District, its residents, and/or the new development, the minimum size of the Sewer Main shall be that size which the District determines is adequate to serve the existing and future needs of the District and its residents.
- .02 - If the District determines that the Development may potentially cause reduced or insufficient performance of the Sewage System, or in any other way harm the Sewage System or its performance (whether such harm or reduced or insufficient performance occurs at the Development's location, downstream from the Development, or at any other location in the Sewage System), the District may require the Developer or other Person applying for Sewer Service to (1) replace and/or expand existing Mains and/or Service Lines with Mains and/or Service Lines that are of sufficient capacity as determined by the District; (2) to build additional Mains and/or Service Lines to support the additional Sewage as determined by the District; (3) or perform any other construction or action that the District deems appropriate to ensure the Development does not harm the Sewage System or diminish the existing and future performance of the District's Sewage System. Such requirements shall be performed at no cost to the District. The District's Board of Directors shall determine the final main size and construction and/or expansion method.
- .03 - APPLICATION FOR MAIN EXTENSION and/or EXPANSION: The provisions of Article VII of these Rules and Regulations are also applicable to this Article.

It shall be unlawful for any person to construct a Main Extension or Main Expansion within the jurisdiction of the Board without first having made formal application to the Board for approval and having complied with the Rules and Regulations of the Board.

All Main Extensions and Main Expansions shall be constructed according to the Board and Metro District's specifications. All Main Extensions and Main Expansions within the jurisdiction of the Board shall be made at the Developer's expense. All Main Extension and/or Expansion plans shall be submitted to the District and shall be reviewed by the District's Engineer.

- .04 - LOCATION OF LINE EXTENSIONS AND ADDITIONS: Main Extensions and Expansions shall be installed in roads or streets which the City of Lakewood, Jefferson County, Colorado Department of Transportation or other public agency has accepted for maintenance as public right-of-way or in easements granted to the District. All water lines must be ten (10) feet horizontally from any Main or Service Line.
- .05 - PROCEDURE FOR SEWER MAIN EXTENSION and/or EXPANSION BY PARTIES OTHER THAN THE DISTRICT: In the discretion of the Board, the Board may permit those Persons desiring construction of a Main Extension or Expansion to construct the Main Extension or Expansion. In such a case, the Constructor shall enter into a Sewer Main Extension or Expansion Agreement with the District.

A performance and maintenance bond equal to the contract price of the Main shall be furnished to the District by Constructor. The bond shall hold the District harmless for payment to the Constructor or contractor or subcontractor, and shall guarantee one year's maintenance on the Main from the date of acceptance by the District.

When application for a Main Extension or Expansion is made, Constructor shall deposit with the District an amount sufficient to compensate the District for engineering fees, legal fees, (including the costs of preparing the Sewer Main Extension or Expansion Agreement) and other costs anticipated to be incurred by the District as a result of the application and the construction of the Main Extension or Expansion. The engineering fees shall include the cost of reviewing the plans and supervising and inspecting construction of the Main Extension or Expansion.

Constructors who have completed construction of Main Extensions or Expansions shall, before these Main Extensions or Expansions are accepted by the District for connections, deed these Main Extensions or Expansions and all appurtenances to the District free and clear of all liens and encumbrances.

Prior to the acceptance of Main Extensions or Expansions by the District, all easements necessarily accompanying these Main Extensions and Expansions shall be duly recorded or provided for.

Prior to the District's acceptance of Main Extensions or Expansions, electronic and reproducible as-built drawings shall be provided by the Developer.

Prior to acceptance by the District, all Mains and manholes shall be vacuum and pressure tested as directed by the District.

- .06 - SEWER MAIN EXTENSION and/or EXPANSION FEES: The Board shall, when a Main Extension or Expansion has been constructed by Constructor pursuant to this Article, collect a Sewer Main Extension and Expansion Fee from all persons desiring to connect to the Main Extension and/or Expansion segment constructed. The Sewer Main Extension and Expansion Fee shall be calculated in accordance with the following formula:

$$\text{Sewer Main Extension and Expansion Fee} = \text{AC} - \frac{(\text{CCU})}{\text{LC}} \times \frac{\text{NCU}}{(\text{LC} - \text{CCU})}$$

- 1.) AC = Actual Costs of Construction
- 2.) LC = Total Capacity of Main Segment constructed pursuant to the Sewer Main Extension Agreement
- 3.) CCU= Amount of Total Main Segment Capacity Used by Constructor
- 4.) NCU= Amount of Total Main Segment Capacity Used by the Connector.

All Sewer Main Extension and Expansion Fees shall be due and payable at the time of connection. In each case, only Sewer Service connections to the segment constructed shall be assessed a Sewer Main Extension and Expansion Fee, and in calculating ratios of capacity only the capacity of the segment constructed shall be considered.

- .07 - REIMBURSEMENTS: The Board may, in its discretion and pursuant to the terms of a valid reimbursement agreement, provide for cost recovery payments to a Constructor in such amounts and at such times as the Board may determine.
- .08 - SPECIAL STRUCTURES: Special structures required to ensure proper operation of Main Extensions or Expansions shall be constructed and the cost of construction shall be the responsibility of the Developer.
- .09 - OVERSIZING: The District may, at its option, require the construction of larger than the minimum size specified in paragraph .01 of this Article. Participation by District in the cost of installation of oversized Mains shall be at the sole discretion of the Board, and shall be for the cost of oversizing only. In the absence of express written participation by the District in the cost of installation, any and all costs associated with oversizing, an increase in flow volumes, or resizing Mains, shall be borne solely by the Developer or property owner.
- .010 - PRESERVATION OF GRAVITY SEWER SYSTEM: In those instances where pumping stations and force Mains are required and approved by the District, the Sewage System shall be so designed as to permit eventual connection into a gravity system with a minimum of expense. Where practicable, easements shall be provided and Mains constructed to tie into the gravity system. The District

may, in its discretion, require deposits to ensure the eventual construction of gravity lines.

- .011 - EXTENSIONS and/or EXPANSIONS TO PROPERTY LINES: All Main Extensions or Expansions constructed under this section shall be installed to the connecting property's property line that is farthest from the existing (and connecting) main line and, where necessary, around corners, in order that the water and Sewage Systems may continue beyond the connecting property's property line.
- .012 - EXCEPTIONS: Proposed Main Line Extensions or Expansions that do not conform to the Rules and Regulations may be submitted to the Board for consideration. The Board, in its sole discretion, shall determine whether such proposed Extension or Expansion shall be allowed and may require revisions to such proposal prior to acceptance. Such determination will be made by the Board at the regular meeting following submittal of such proposal, so long as the proposal is submitted at least 10 days prior to such meeting. The Board may consider such proposal at a special meeting called for such purpose.
- .013 - SEWER MAIN EXTENSIONS BY DISTRICT: Notwithstanding any provision of this Article, the District may, in its discretion, extend Mains under such conditions as the Board deems appropriate. Where water mains and Sewer Mains cannot be installed in a street, private drive or common area, and must be installed in easements between adjacent pieces of property, the Mains 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, and as determined by the District.
- .014 - LIFT STATIONS: Construction and use of lift stations shall be prohibited except by discretion of the Board.

## APPENDIX A

### STANDARDS AND SPECIFICATIONS

#### 1.0 GENERAL

Construction of all Service Lines and Mains shall be done by Licensed Plumbers or Pipe Layers in accordance with the Technical Plumbing Code of the State of Colorado. All contractors must be licensed by the State of Colorado, bonded, and shall present to the District a certificate of insurance in a form acceptable to the District. No change or cancellation to such insurance shall occur except upon the District receiving thirty days' prior notice.

#### 2.0 SERVICE LINES

Service Lines shall be of plastic or PVC pipe, SDR Class 35 which meets with approval of the District. Pipe must be bedded in a manner which meets with the approval of the District under the circumstances.

- 2.1 Service Lines shall be water-tight and on a constant grade, in a straight line and not closer than three feet from any bearing wall.
- 2.2 Except upon written consent of the District, no Service Line may be more than sixty feet (60') in length from the property line to point of connection to the structure.
- 2.3 Existing "Y" or "T" branches, which are accessible in public sewers, shall be utilized for the building connections; those public sewers in which "Y" or "T" branches exist, but are inaccessible, or where no "Y's" are provided, shall be tapped by the use of a machine and accepted prefabricated saddles, both the type approved by the District; joints between existing "Y's" or "T's" and building sewers shall be made with a joint material or factory compression coupling approved by District; all saddles shall be joined to the public sewer by an epoxy material and/or stainless steel bands approved by 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 District; saddle connections shall be made in a smooth, round hole, machine-drilled into the public sewers; the machine-drilled holes shall be of such size to provide 1/8 inch 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 the face of the public sewer shall be 1/8 inch thick, and this space shall also be filled with epoxy joint material.
- 2.4 District shall be notified at least seventy-two (72) hours in advance of the scheduled time for covering (i.e. "backfilling") all Service Lines, and no Service



Lines shall be covered prior to being inspected by the District. If District is not given such 72 hours notice, and any Service Lines are covered prior to District inspection, the Contractor shall re-excavate the Service Lines at no cost to the District and allow them to be inspected.

### 3.0 EXCAVATION

All excavations required for the installation of Sewer Service shall be open trench work unless otherwise approved by OSHA and the District.

- 3.1 Adequate barricades, signs, and warning devices as required by the District and the City of Lakewood and/or the State of Colorado, whichever is applicable, shall be placed and maintained during the progress of the work.
- 3.2 Paving, curbs, and gutters, sidewalk improvement services, or other street improvements, removed or damaged during construction shall be replaced, pursuant to all required permits, to the same elevation and alignment, with the same type and dimensions of units removed, and shall be equal to and consistent with the undisturbed portion of the improvements existing prior to trench excavation.
- 3.3 All contractors, plumbers, and others doing work on any Sewer Main or Service Line, or structure in the District shall comply with City of Lakewood or Colorado's Department of Transportation regulations on excavation, backfill, compaction, and restoration of surfacing, and shall file a performance bond with the District in an amount determined by the Board.

### 4.0 MAINTENANCE OF BACKFILL AND SURFACE WARRANTY

All backfill shall be maintained in a satisfactory condition and all places showing signs of settlement shall be filled and maintained during the life of the contract and for a period of one year following the date of final acceptance for all work performed under the contract; except, the warranty period for settlement in asphalt surface streets shall be in conformance with the rules and regulations of the City of Lakewood and the State of Colorado. When the Developer or Contractor is notified by the District that any backfill is hazardous, he shall correct such hazardous condition at once. All work shall conform to the rules and regulations of the City of Lakewood and the State of Colorado.

### 5.0 INSPECTIONS

- 5.1 All daily inspection fees on sewer construction required by any governmental unit having jurisdiction over the construction shall be paid by the Licensed Plumber, Contractor, or others doing work for the District.
- 5.2 All work shall be inspected by the District's representative, who shall have the authority to halt construction when, in his opinion, District specifications or

proper construction practices are not being adhered to. Whenever any portion of District specification is violated, the District representative shall, in writing, order further construction to cease until all deficiencies are corrected. No pipe shall be covered without the District representative's approval.