

# RULES AND REGULATIONS

ADOPTED DECEMBER 10, 1982

With Amendments through July 1, 2005

HIGHLANDS RANCH  
METROPOLITAN DISTRICTS  
62 WEST PLAZA DRIVE  
HIGHLANDS RANCH, COLORADO 80129

HIGHLANDS RANCH METROPOLITAN DISTRICTS  
WATER AND SANITARY SEWER RULES AND REGULATIONS

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ARTICLE I  
GENERAL

Section 1.1    Enactment

These Rules and Regulations are adopted by the Board of Directors of the Highlands Ranch Metropolitan District No. 1, No. 2, No. 3, No. 4, and No. 5 in accordance with the authority contained in Title 32, Article I, Part 10, C.R.S.

Section 1.2    Availability of Service

Water and sanitary sewer service shall be available in accordance with these Rules and Regulations and on the basis of the charges established therefore and subject to all penalties and charges for violation thereof, or any statutes applicable and subject to the availability of facilities and capacity.

Section 1.3    Intergovernmental Agreements

The District provides service pursuant to an Intergovernmental Agreement with Centennial Water and Sanitation District. Any Customer shall also comply with the Rules and Regulations of Centennial.

Section 1.4    More Restrictive Rules and Regulations

Notwithstanding any other provision of these Rules and Regulations, the Rules and Regulations of the Centennial Water and Sanitation District, to the extent they are more restrictive, shall apply.

Section 1.5    Compliance with Plumbing or Building Requirements

Nothing herein provided shall be deemed to relieve any Person from compliance with the plumbing code or building code of Douglas County or any other state or local plumbing or building requirements.

Section 1.6    Amendments

These Rules and Regulations may be amended from time to time in the same manner as the Rules and Regulations herein were adopted.

Section 1.7    Severability

If any section, subsection, sentence, clause or phrase of these Rules and Regulations if for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining portions of these Rules and Regulations.

Section 1.8 Control and Operation of Facilities

All water and sanitary sewer facilities shall be under the management of the General Manager and the control of the Board.

No other Person shall have any right to enter upon, inspect, operate, adjust, change, alter, move or relocate any portion of the District's facilities.

Section 1.9 Control of Works

If, for any reason, the District deems it necessary to delay or stop work on any water or sanitary sewer facilities to be connected to District facilities, a stop order by the General Manager shall be issued and delivered to the Customer or Person on the job. Work shall cease in an orderly manner with proper safety measure and protection for materials, equipment, property and other phases of the job. Work shall not be resumed until issuance of a proceed order. Such decision shall not be the basis of any claim by the Customer or Person or concern for direct, indirect, consequential or other damage by reason of any such action, but may be appealed to the Board for review.

Section 1.10 Other Charges

Whenever any Person, Owner or Customer fails to perform any act required by these Rules and Regulations, performs any such act in a negligent manner or performs any act prohibited by these Rules and Regulations, the District may, at its discretion, correct any problem created thereby. In such event, all costs incurred by the District shall be charged and paid pursuant to Article 9 thereof. Such charge shall be a lien against the property until paid.

Except in cases of an emergency, notice shall be given pursuant to Article VIII and the Customer or Person may appeal the necessity for the charge and the amount therefore pursuant to Section 8.7, 8.8 and 8.9.

Section 1.11 Special Conditions

Any presently installed water distribution facility or sanitary sewer collection facility which does not meet the requirements of this Article but was in compliance with the Rules and Regulations at the time of installation and which has been properly maintained shall, except for the inspection and maintenance requirements, need not be upgraded, so long as the General Manager is assured that said facilities will satisfactorily protect the District facilities and the public. Whenever the existing facilities are moved from their present location or require replacement as determined by the General Manager or when the General Manager finds that the device constitutes a hazard to health, the facilities shall be replaced by meeting the current requirements of their Rules and Regulations.

ARTICLE II  
DEFINITIONS

Section 2.1    Definitions

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

**Act or The Act:** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

**Beneficial Use:** The use of that amount of water that is reasonable and appropriate under efficient practices to accomplish without waste the purpose for which water is intended.

**Biochemical Oxygen Demand (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure over a period of five (5) days at 20 degrees centigrade, expressed in terms of milligrams per liter (mg/l).

**Board:** The Board of Directors of Highlands Ranch Metropolitan District No. 1, No. 2, No. 3, No. 4, or No. 5.

**Categorical Standards:** National Categorical Pretreatment Standards or Pretreatment Standards as promulgated from time to time by the United States Environmental Protection Agency.

**Centennial:** Centennial Water and Sanitation District.

**Colorado Discharge Permit System (CDPS):** The permit issued by the State of Colorado pursuant to the Clean Water Act and the Water Quality Control Act.

**Contractor:** Any person, firm, association, corporation or agency performing work or furnishing materials to or for the District, directly or indirectly.

**Cross Connection:** Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other nonpotable water or water of questionable safety, through which or because of which backflow or back-siphonage may occur which would contaminate the potable water system.

**Customer:** Any person, firm, corporation, association or agency who is authorized, or who desires, to obtain services from the District.

**District:** Highlands Ranch Metropolitan District No. 1, No. 2, No. 3, No. 4, or No. 5.

**District Engineer:** Person authorized by the District to act as its engineer.

**Domestic Service:** Service to and for facilities for human comfort and convenience for normal household or residential varieties.

Domestic Sewage: Sewage which can be treated without pretreatment and within normal operating procedures; which does not contain pollutants that pass through or interfere with the POTW; 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 BOD; and which does not contain any other constituents above levels normally found in solely residential wastewater, as determined by the General Manager.

Engineer: A duly qualified, Registered Engineer in the State of Colorado.

Environmental Protection Agency, or EPA: The U.S.Environmental Protection Agency, or where appropriate, the administrator or other duly authorized official of said agency.

Facility: Any building, equipment, pipe, valve, manhole or other appurtenance owned, operated or maintained by the District to provide water or sewer service.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

General Manager: The person designated as General Manager by the Board, who administers and supervises the affairs of and operations and maintenance of facilities of the District or the person authorized by the Board or the General Manager to act on his or her behalf.

Industrial User: A source or potential source of nondomestic sewage which is discharged into the POTW may interfere with, pass through or be otherwise incompatible with the POTW.

Industrial Wastewater Discharge Permit: Centennial allowing the conditional discharge of industrial wastewater into Centennials' POTW or POTW connected to Centennial, pursuant to 40 CFR 403 of the "Act".

Inspector: The authorized representative of the District.

Interference: The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of Centennial's CDPS and NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

Local Limits: Any regulation containing pollution discharge limits promulgated by Centennial in accordance with 40 C.F.R. 405.5(c) and (d), which are deemed to be enforceable as Pretreatment Standards in accordance with Section 307 (d) of the Act.

NPDES Permit: The National Pollution Discharge Elimination Systems permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

New Source:

1. Any building, structure, facility or installation from which there is or may be a Discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or,
  - b. The building, structure, facility or installation totally replaced the process or production equipment that causes the discharge of pollutants at an existing source; or,
  - c. The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs 1.b. or 1.c. of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - a. Begun, or caused to begin as part of a continuous onsite construction program:
    1. Any placement, assembly, or installation of facilities or equipment; or,
    2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for this placement, assembly, or installation of new source facilities or equipment; or,
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Nondomestic Service: Service which is not domestic service.

Nondomestic Sewage: Sewage which is not domestic sewage.

Owner: Any person, firm, corporation, association or agency who holds title to any real property or building served by the District.

Pass Through: A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit: Shall mean an Industrial Wastewater Discharge Permit.

Person: Any individual, firm, company, association, society, corporation, group, government, governmental agency or other legal entity.

Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pollution: The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

Potable Water: That water furnished by the District which is pure, wholesome, potable and does not endanger the lives or health of human beings and which conforms to requirements of the Safe Drinking Water Act or any other applicable standards.

Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing pollutants into a POTW.

Pretreatment Standard: The National Categorical Pretreatment Standard Regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317).

Pretreatment Standards and Requirements: The pretreatment standards and substantive or procedural requirements established under the Clean Water Act, the State of Colorado Water Quality Act, and any specific prohibitions of limits or pollutants and procedures to enforce compliance therewith adopted by the District.

Prohibitive Discharge Standards: The National Prohibitive Discharge Standard or regulations developed under the authority of Section 307 (b) of the Act of 40 C.F.R., Section 403.5.

Publicly Owned Treatment Works (POTW): A treatment works as defined by Section 212 of the Act (33 U.S.C. 1291) which is owned by Centennial. This includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances

not connected to a facility providing treatment. For the purposes of these Rules and Regulations, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons, outside Centennial who are, by contract or agreement with Centennial, users of the Centennial POTW.

**Public Sewer:** A sewer which is controlled and maintained by a public authority.

**Sanitary Sewage:** Any combination of liquid and water-carried wastes from residences or nondomestic sources.

**Sanitary Sewer:** A sewer which carries liquid and water-carried wastes from residences or nondomestic sources.

**Security Deposit:** Any monies required to be deposited with the District for the purpose or guaranteeing payment of utility bills rendered for water or sanitary sewer service.

**Service Lateral:** The sanitary sewer line from the connection on District's main sanitary sewer to the improvements of the customer.

**Sewer Main:** The principal sewer to which lateral sewers are tributary.

**Significant Industrial User or SIU:** All categorical industrial users, as listed in the Colorado Department of Health Pretreatment Regulations, or any industrial user that discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary, noncontact cooling and boiler blowdown wastewaters), or contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic (BOD TSS, etc.) capacity of the POTW, or has a reasonable potential, in the opinion of the General manager, to adversely affect the POTW or any portion thereof (inhibition, pass-through or pollutants, sludge contamination, or endangerment of POTW workers).

**Storm Sewer:** A sewer for conveying water, groundwater, subsurface water or water from any source other than a sanitary sewer.

**Surcharge:** Any charge imposed by the District for the provision of a special service not normally provided by the District.

**Suspended Solids:** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

**Tap Fee:** A charge imposed by the District for obtaining water and sanitary sewer service from the District.

**Toxic Pollutant:** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under Section 307 (a) of the Clean Water Act or other acts.

**Treatment Plant:** That portion of the POTW or any portion thereof designed to provide treatment of wastewater.

**User:** Any Person who contributes, causes or permits the contribution of wastewater into the POTW or any portion thereof.

**Wastewater:** The liquid and water-carried domestic or nondomestic wastes together with pollutants which may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

**Wastewater Facilities:** The structure, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

**Water and Sanitary Sewer Standard Specifications:** The Water and Sanitation Sewer Standard Specifications of Highlands Ranch Metropolitan District No. 1, No. 2, No. 3, No. 4, or No. 5 as adopted and amended from time to time.

**Water Distribution Main:** The principal water conveying conduit owned by the District.

**Water Distribution System:** Individually or collectively, any water facility or facilities owned by the District. Water Distribution systems shall include all fire hydrants.

**Water Quality Control Act:** The Colorado Water Quality Control Act C.R.S. 1973, 25-8-101 et. seq.

**Water Service Line:** That portion of the water system from the distribution main to the point of connection within the building.

**Water Treatment Works:** An arrangement of devices and structures used to produce potable water.

ARTICLE III  
APPLICATION OF A SERVICE OUTSIDE THE DISTRICT

Section 3.1    General

Water and sanitary sewer service outside of the District shall only be provided when such service is in the best interest of the District. Such service shall be provided pursuant to a contact approved by the Board only if Centennial has confirmed that it has the capacity to provide such service.

ARTICLE IV  
CONSTRUCTION OF WATER DISTRIBUTION AND SANITARY SEWER  
COLLECTION FACILITIES

Section 4.1    General

All of the water distribution facilities or sanitary sewer collection facilities shall be designed and installed so as to provide an acceptable level of service to the specific parcel as well as to all Customers of the District.

All water distribution facilities or sanitary sewer collection facilities shall conform with the Water and Sanitary Sewer Standard Specifications as adopted and amended by the District from time to time. Prior to the construction of any facility, the District shall review and approve the plans for the facility. The plans shall include a description of all necessary sites and rights-of-way.

All sites and rights-of-way reasonably required by the District shall be conveyed free and clear of all liens, to the District. Sites and rights-of-way shall include sufficient property to protect the District against the possibility of relocating or reconstructing such facilities.

Section 4.2    Extension and Sizing of Facilities

Any water distribution facilities or sanitary sewer collection facilities, to the extent determined by the District, required to serve developments of the property shall be provided by the Customer at the Customer's expense. This shall include all sites, rights-of-way and easements.

If, in the opinion of the District Engineer, an increase in line size is necessary in order to provide an acceptable level of service to other Customers, the Customer may be required to provide pipelines up to 12" diameter water and 15" diameter sanitary sewer (Upsized Lines). The cost for an upsized line shall be the sole responsibility of the Customer.

If, in the opinion of the District Engineer, an increase in line size above a 12" diameter water line and a 15" diameter sanitary sewer line (Oversized Lines) is necessary in order to provide an acceptable level of service to other customers, payment shall be according to the Rules and Regulations of Centennial, but under no circumstances shall payment be the responsibility of the Metropolitan District.

Section 4.3    Acceptance of Facilities

The District will assume responsibility for providing water and sanitary sewer service to individual lots within a development only upon transfer to the District of the ownership of all facilities and any necessary easements. The transfer shall be by the Grant and Acceptance of Utilities Agreement, the form of which is included in the Water and Sanitary Sewer Standard Specifications. All such facilities shall be warranted for 1 (one) year after acceptance by the District unless otherwise provided in the Grant and Acceptance of Utilities Agreement.

#### Section 4.4    Inspection

The District shall have a right to inspect at all times all facilities connected to, or to become connected to, the District's facilities. Authorized employees and representatives of the District shall be allowed free access at all reasonable hours to any building or premises receiving water or sanitary sewer service to insure compliance with these Rules and Regulations.

ARTICLE V  
WATER SERVICE

Section 5.1    Water Use

The right to take and use water from any source supplied by the District is only by permission and the District reserves the full right to determine all matters in connection with the control and use of water. Water shall be used only for beneficial purposes.

No water User in or upon any premises to which water is supplied shall supply water to any other Person without the approval of the General Manager.

Nothing contained herein shall operate to create any vested or proprietary right whatsoever, but shall give the Customer the right to the water service for the purposes specified in these Rules and Regulations. The right to use water service shall be subject to suspension or revocation and shutoff as set forth in Article VIII.

Section 5.2    Water Turn-on

The District will turn water on at any premises lawfully entitled to service between the hours of 8 a.m. and 5 p.m., Monday through Friday, exclusive of holidays. Service during hours other than these will be provided under special circumstances only upon authorization of the General Manager. No one except an authorized representative of the District shall, under any conditions or circumstances, turn water on. The District shall not be liable for any damages resulting in the turning on of the water either by District employees or other authorized Persons.

Section 5.3    Water Service Line Size, Location and Installation

Subject to the approval of the District, the Customer is responsible for determining the size of tap required for service. The District shall at all times have the right to determine when and if a backflow prevention device is required and the kind and size of such device. The water service line shall be installed to a curb line or property line of the Customer's property. All water service lines shall be designed and constructed to the requirements of the Water and Sanitary Sewer Standard Specifications in effect at the time of plan review.

No person, other than a person authorized by the District, shall install or remove any water service facilities.

If a Customer desires to permanently disconnect any premises, the water will be shut off at the corporation cock of the Customer.

Service to replace existing services shall not be approved by the District and the water will not be turned on until old service lines are dug up and removed at the expense of the new Customer.

Every water service line installation shall be equipped with a curb stop used exclusively by the District in controlling the water supply. If the curb stop is damaged by the Customer, replacement or repair shall be at the Customer's expense.

All Customers shall, at their own expense, keep their service pipes, stop valves, fixtures and other apparatus in good repair and protected from freezing or any other damage. The Customer shall place and maintain a brass stop and waste valve which shall be easily accessible so that the water may be turned on or off by the Customer. When necessary, the Customer shall turn off the water supply at the stop and waste valve and shall drain the water to prevent freezing and other damage.

#### Section 5.4    Water Meters

##### A.     General

All meters shall be furnished by the District at the expense of the Customer. The location of all meters shall be approved by the District. All meters shall incorporate a remote readout device placed in a location specified by the District. The Customer shall be responsible for providing the meter setter or vault and associated plumbing. When used, the meter pit or vault shall be so maintained that at all times it will be conveniently accessible and in good order to maintaining meters and to turn water on and off. Any required adjustments of the pit or vault to grade once the meter has been installed shall be the responsibility of the Customer.

The standard residential meter shall be 3/4 inch in size. Meters for irrigation systems larger in size than 1-1/2 inches shall be of the turbine type. All meters up to and including 1-1/2 inches in size shall be installed by the District. Meters larger than 1-1/2 inches in size shall be installed by the Customer, at the Customer's expense, and inspected by the District prior to water turn on. Under no circumstances shall anyone other than District personnel remove a water meter without the approval of the District.

##### B.     Meter Testing

The District may at any time test, repair or replace a Customer's water meter to insure that the meter is recording within the accuracy limits recognized by the American Water Works Association (AWWA). If the District, in its sole discretion, determines that the customer's meter has failed to register accurately during a given billing cycle, appropriate adjustments to the Customer's current bill will be made as follows:

1.     If the meter has registered over 2% more water than actually passed through it, the current bill will be adjusted proportionately as a credit.
2.     If the meter has registered less than the actual amount of water which passed through it (by greater than 2%), the District may elect to adjust the current bill proportionately as a debit.
3.     Should the meter completely fail to register, the bill will be adjusted as determined by the General Manager on a fair and equitable basis.

4. No adjustment will be made to any prior bills. Any Customer may request that the meter through which water is being furnished be examined and tested by the District. The request shall be in writing and shall be accompanied by a deposit equal to the charge for testing such meter as set forth in Exhibit A. Upon receipt of such request and deposit, the District will examine and test the meter. If the meter registers over 2% more water than actually passes through it, the meter shall be properly adjusted or replaced, the deposit returned and the current water bill adjusted. If the meter shall be found to register not more than 2% over, the deposit shall be retained by the District as the expense of making the test.

Should a meter which has been tested at a Customer's request be found to register less water than actually passes through it, the District, at its discretion, may elect to replace or repair said meter. In such instances, the deposit will be retained by the District as the expense of making the test; however, the Customer will not be charged any additional amount as a result of the meter registering less than the actual amount of water passing through it.

#### C. Maintenance Responsibilities

All water meters and remote registers shall be owned and maintained by the District and shall be tested as the District deems necessary, but not less than once in each 10-year period. The cost of repairs resulting from abuse by the Customer shall be paid by the Customer and added to and considered a part of the charge for water service. In installations utilizing a meter located within the building of the property served (such as single-family residential units), the Customer is responsible for all costs associated with maintenance of the water service line from the connection to the curb stop or property line, whichever is closer to the roadway, to and through the building, excluding the meter.

The District is responsible for maintaining the service line from the main through the curb stop or property line. However, in the event that damage to the meter or the curb stop was caused by abuse or negligence of the Customer, then the Customer shall be responsible for all costs associated with maintenance, repair or replacement. In installations utilizing meters located in meter pits or vaults, the Customer is responsible for all costs associated with maintenance of the water service line from and including the meter vault and associated piping through the building, excluding the meter. The District is responsible for maintaining the service line main to the first connection inside the meter pit or vault. However, in the event that damage to the meter was caused by abuse or negligence of the Customer, then the Customer shall also be responsible for all costs associated with maintenance, repair or replacement.

#### Section 5.5 Pressure Reducing Valves

Any pressure reducing valve required by the District shall be adjusted by District personnel at such time as water service is initiated. Only authorized personnel shall adjust such valves.

#### Section 5.6 Fire Hydrants

Any fire hydrant within the District's service area shall be owned and maintained by the District, whether in public rights-of-way or on private property, except where master meters are installed, between the treatment plant and any one or group of fire hydrants. All hydrants connected to the mains of the District are provided for the primary purpose of furnishing water for fire suppressing and shall be opened and used only by persons authorized to do so by the District.

Any other use of fire hydrants shall be allowed by permit issued by Centennial and shall require the use of a hydrant meter and regulating valve for the monitoring of water use. Connection and disconnection shall be made by authorized personnel only. Rates to be charged for water extracted from each hydrant shall be in accordance with the current fee schedule.

Use of hydrant water shall cease for the duration of any fire within the District or for any other reason upon notice by the District. Any damage to the hydrant, hydrant meter or other property of the District shall be paid for by the Customer.

### Section 5.7 Cross Connection

#### A. Cross Connections

Cross connections of any type which may permit a backflow of water from a supply other than that of the District into the District's mains is prohibited. A connection constituting a potential backflow hazard is permissible only to the extent approved by the District and shall be protected by an approved backflow device. Any such connection shall at all times be subject to inspection and regulation by the District for the purpose of avoiding the possibility of backflow. In no instance will any such cross connection be permitted which is not in strict compliance with the cross connection regulations of the State of Colorado, Department of Public Health, and all cross connections shall be subject to its approval.

Service of water to any premises shall be discontinued by the District if a backflow prevention device required by these cross connection Rules and Regulations is not installed, tested and maintained or if it is found that a backflow prevention device has been removed or by-passed or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected at the expenses of the Customer.

#### B. Inspection of Customer's System

The Customer's internal distribution system shall be open for inspection at all reasonable times to authorized representatives of the District to determine whether cross connection or other structural or sanitary hazards, including violations of these Rules and Regulations, exist. When a hazardous condition becomes known, the General Manager shall deny or immediately discontinue water service to the premises by whatever means the General Manager deems necessary, including but not limited to, providing for a physical break in the service line, until the Customer has corrected the condition(s) in conformance with all State and District Rules and Regulations adopted pursuant thereto. For conditions not constituting an immediate hazard, the Customer shall be given notice of the violation in accordance with Article VIII.

### C. Conditions for Backflow Prevention Device Use

An approved backflow prevention device shall be installed on each service line to a Customer's water system if:

1. A landscape irrigation system is installed. Prior to constructing a landscape irrigation system, a permit must be obtained from the District by the Customer. Should such a system be installed without a permit or not in accordance with the most current edition of the Water and Sanitary Sewer Standard Specifications, a violation notice will be issued which will specify a compliance schedule necessary to bring the installation within specification. Failure to meet said schedule may be grounds for termination of service pursuant to Article VIII.
2. A swimming pool is installed. Prior to constructing a swimming pool, a permit must be obtained from the District by the Customer. Should such a system be installed without a permit or not in accordance with the most current edition of the Water and Sanitation Sewer Standard Specifications, a violation notice will be issued which will specify a compliance schedule necessary to bring the installation within specifications. Failure to meet said schedule may be grounds for termination of service pursuant to Article VIII.
3. Any residential premises have:
  - a. Two-fluid solar heating systems. All two-fluid solar heating systems, whether utilized for space heat or domestic hot water preheat, shall protect against the possible backflow of nonpotable substances into the potable water distribution system.
  - b. Gray water recycling systems. All gray water recycling systems shall have a contamination detection system. No gray water recycling system shall be installed without the approval of the General Manager.
4. The General Manager determines:
  - a. At the sole discretion of the General Manager it is determined that an auxiliary water supply is used which is not or may not be acceptable as an additional source; or
  - b. An auxiliary water supply is utilized which is not or may not be of safe bacteriological or chemical quality; or
  - c. Industrial fluids or any other objectionable substances are handled in such a manner so as to create an actual or potential hazard to the public water system, such as process waters and waters originating from the public system which have been subject to deterioration in quality; or
  - d. Premises have internal cross connection which cannot be permanently corrected or controlled; or

e. Premises have intricate plumbing and piping arrangements where entry to all portions of the premises is not readily accessible for inspection purposes, making it impossible to ascertain whether or not dangerous cross connections exist.

D. Backflow Prevention Device Approval

Any backflow prevention device required herein shall be of a model and size approved by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California.

E. Special Backflow Prevention Device Conditions

Any presently installed backflow prevention device which does not meet the requirements of this Article but was an approved device at the time of installation and which has been properly maintained shall, except for the inspection and maintenance requirements, be excluded from the requirements of these Rules and Regulations so long as the General Manager is assured that said device will satisfactorily protect the water system. Whenever the existing device is moved from its present location or requires replacement as determined by the General Manager or when the General Manager finds that the device constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

ARTICLE VI  
WATER CONSERVATION

Section 6.1    General

The District encourages the conservation of water within its service area. No person shall use any water provided by the District for other than beneficial use.

Section 6.2    Determination of Available Water Supply

The District shall, from time to time, determine the amount of available potable water supply for use and shall determine the expected demands for said water by all Customers of the District's water system for any given period of time. In the event the Board shall determine at any given time that there are insufficient potable water supplies to meet all of the present and anticipated needs, the Board may order restrictions, curtailments or prohibitions upon the use of water.

Any restriction, curtailments or prohibitions contemplated will be uniformly applied to all similarly situated water users within the District's service area. Nothing herein shall be construed to prevent the District from treating different categories of water users in a different fashion. Except in cases of emergency, the Board shall publish written notice at least once in a paper of general circulation within the District no less than 5 days prior to imposing any curtailments, restrictions and prohibitions upon the use of water. The notice shall include a statement as to said restrictions, curtailments or prohibitions, together with a statement of the penalties for violation thereof and the time period for which they shall be in effect.

The Board has adopted an Urban Water Conservation Plan and pursuant to that plan has set forth a schedule of rates, tolls, fees and charges for the use of water and has imposed various restrictions on water use. Those restrictions, rates, tolls, fees and charges are set forth in Exhibit A.

Any Person, Customer or User violating any provision of this section shall be subject to the penalties set forth in Article VIII of, or Exhibit A to, these Rules and Regulations.

Section 6.3    Required Water Conservation Devices

Water service shall not be furnished to any Customer unless the Customer has fully complied with the water conservation standards set forth in the Water and Sanitary Sewer Standard Specifications.

ARTICLE VII  
SANITARY SEWER SERVICE

Section 7.1    General

The right to any use of the District's sewage system is only by permission granted by the District. The District reserves full right to determine all matters related to the control and use of its sanitary sewer system. The right to use of the District's sanitary sewer system shall be subject to suspension, disconnection or revocation as set forth in Article VIII.

Section 7.2    Service Lateral Size, Location and Installation

The General Manager shall approve the size, location and manner of accomplishing the installation of a service lateral. If a service lateral is installed by the Customer, the service lateral joints shall remain exposed until they have been inspected and approved by an authorized representative of the District. The size, slope, alignment and materials of construction of the Customer's service lateral and the method to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench shall conform to the criteria set forth in the most current edition of the Water and Sanitary Sewer Standard Specifications and the applicable plumbing codes enacted and enforced by Douglas County or its successor.

The service lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which any drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the sewer lateral.

No swimming pool drains, roof downspouts, exterior foundation drains, sumps, area drains or other sources of surface runoff or groundwater shall be connected directly or indirectly to a sanitary sewer unless such connection is approved by the General Manager.

All costs and expenses incidental to the installation and connection of the service lateral shall be borne by the Customer. The Customer shall reimburse the District for any loss or damage which may directly or indirectly be occasioned by the installation of the service lateral.

Section 7.3    Limitations on Service Connection

A separate and independent service lateral shall be provided for every building or Customer; however, the District reserves the right to allow more than one Customer or building to be connected to one service lateral. Subject to the approval of the District, the Customer is responsible for determining the size and location of the service lateral.

When property provided with a service lateral is subdivided, a service lateral shall be provided for each building or Customer.

Should a service lateral be of the wrong size or at the wrong location and not in accordance with the approved plans or the Water and Sanitary Sewer Standard Specifications, the cost of all changes required to correct the situation shall be paid by the Customer.

The Customer is responsible for maintenance of the service lateral from the building through the point of connection to the District's sewer main.

Any sewer main damaged as the result of abnormal use or damage to such facilities shall be repaired or reconstructed at the expense of the Customer or Person responsible for such abnormal use or damage.

No unauthorized Person shall uncover, make any connections with or open into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining written permission from the General Manager.

#### Section 7.4    General Prohibition

No Person shall discharge or cause to be discharged into a public sewer or in any area served by or under the jurisdiction of the District any harmful waters or wastes, whether liquid, solid or gas, capable of causing interference or obstruction to the flow in the sewer, damage or hazard to structures, equipment or treatment processes, or hazards to personnel of the District.

Prohibited sewage shall include such quantity of clear water injected into a public sewer which would interfere with the District's volume capacity or with the biological process necessary for proper treatment.

#### Section 7.5    Dischargeable Sewage

Wastes shall be classified into two categories termed "domestic sewage", and "nondomestic sewage". The classification of dischargeable sewage shall be responsibility of the General Manager and shall follow recommended procedures of the Colorado State Department of Health, and subject to review by the Board, shall be final and binding.

Any Customer discharging nondomestic sewage into the public sewer shall install, at Customer's expense, suitable monitoring equipment which isolates appropriate wastewater discharges and facilitates accurate inspection, sampling, and flow measurement of such discharges when required by the General Manager. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

#### Section 7.6    Grease and Sand Interceptors

Grease, oil and sand interceptors shall be provided by and at the expense of the Customer when, in the opinion of the General Manager, they are necessary for the proper handling of liquid wastes containing excessive grease, excessive sand or other harmful ingredients. All interceptors shall be of a type and capacity approved by the District and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the Customer shall

be responsible for the proper removal and disposal by appropriate means of captive material and shall maintain records of the date and means of disposal. Such records shall be open to review by District personnel. All such interceptors shall be cleaned, and the captive material removed a minimum of once a year, or more frequently if it is determined by the District that, 1) three inches of grease has accumulated in the secondary side of the interceptor, 2) odor complaints about the interceptor are received by the District, or 3) grease has accumulated to 37% of the total depth of the primary side of the interceptor.

#### Section 7.7 Industrial Pretreatment

All sources discharging nondomestic sewage shall be considered Industrial Users for the purpose of implementing and enforcing the Pretreatment Standards and Requirements established pursuant to the Clean Water Act. No Industrial User shall discharge or cause to be discharged or increase the discharge or change the nature of the discharge into the public sewer in any area served by the District where such discharge does not meet applicable Pretreatment Standards and Requirements or where such discharge would cause Centennial to violate its CDPS or NPDES permit.

The District hereby adopts in total, all Industrial Pretreatment Regulations promulgated by the Centennial Water and Sanitation District.

All authority to enforce the Centennial Water and Sanitation District Rules and Regulations, Colorado Department of Health Regulations and the United States EPA Regulations pertaining to Industrial pretreatment are hereby delegated to Centennial.

#### Section 7.8 Compliance

To assure compliance with Section 7.7, all Significant Industrial Users shall, prior to connecting into the sanitary sewer in any area served by the District, shall be issued an Industrial Wastewater Discharge Permit by the District and the governmental entity which serves the property. An Industrial User who is not classified as a Significant Industrial User but who, in the opinion of the General Manager has on its premises sufficient quantities or types of compounds which if discharged to the POTW would cause the User to be classified as an SIU, shall also be issued an Industrial Wastewater Discharge Permit.

#### Section 7.9 Industrial Pretreatment Permit

The form of the Industrial Wastewater Discharge Permit attached to these Rules and Regulations as Exhibit B is approved, adopted, implemented and made enforceable as part of Centennial Water and Sanitation District's Rules and Regulations. The Industrial Wastewater Discharge Permit shall provide:

A. That the right of the Permittee to discharge, including all new or increased contributions of pollutants or changes in the nature of pollutants, is conditioned upon such discharge and contribution meeting the applicable Pretreatment Standards and Requirements and that such discharge and contribution would not cause Centennial to violate the CDPS and NPDES permit.

B. That the Permittee shall comply with applicable Pretreatment Standards and Requirements. The National Pretreatment Standards prohibit the discharge into the POTW of the following pollutants:

1. The Prohibitive Discharge Standards:

a. Fats, wax, grease, or oils of petroleum origin, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F (0 degrees C) and 140 degrees F (60 degrees C); or

b. Containing any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gasses; and in no case pollutants with a closed cup flashpoint of less than one hundred forth (140) degrees Fahrenheit (60 degrees C), using the test method specified in 40 CFR 261.21; or

c. Heat in amounts which will inhibit biological activity in the wastewater facilities resulting in interference but in no case heat in such quantities that the temperature at the connection to the POTW or any portion thereof exceeds 40 degrees C (104 degrees F); or

d. Any ashes, hair, cinders, sand mud, straw, shavings, metal, glass, rages, feathers, tar, plastics, wood, paunch, manure, or any other solids capable or viscous substances capable of causing obstructions or other interferences with proper operation of the POTW; or

e. Having a pH lower than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazards to structures, equipment or personnel of the POTW; or

f. Containing toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute hazards to humans or animals, or to create any hazard in waters which receive treated effluent from the sewer system treatment plant; or

g. Containing noxious or malodorous gases or substances capable of creating a public nuisance; including pollutants which result in the presence of toxic gases, vapors, or fumes; or

h. Containing any substance which would cause the treatment plant to be in non compliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under section 405 of the Federal Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the State; or

i. Containing any radioactive wastes or isotopes; or

j. Any pollutant, including oxygen demanding pollutants (BOD etc.) at flow rate and/or concentration which will cause the pollutant to pass through to the receiving waters or interfere with the Centennial Water and Sanitation District wastewater treatment facility.

k. Any trucked or hauled pollutants, except at discharge points designated by the District.

2. The Local Limits, adopted by the District and attached to and incorporated in these Rules and Regulations as Exhibit C, as they may be revised from time to time, to protect the POTW and any portion thereof from passthrough, interference and sludge contamination.

3. The National Categorical Pretreatment Standards of the Environmental Protection Agency (40 C.F.R. 403.6 and 405) are fully applicable and enforceable by these Rules and Regulations to all Industrial Users.

4. In addition, all federally-promulgated listing of Toxic Pollutants and any other discharge standards which the District deems appropriate to protect its wastewater facilities shall be included in the Pretreatment Standards and Requirements.

C. That the Permittee, when applicable, shall develop a compliance schedule for the installation of technology required to meet applicable Pretreatment Standards and Requirements as determined by the General Manager.

D. Install at its expense monitoring devices to allow sampling of the Permittee's wastewater and submit all notices and self-monitoring reports to the District as are required and necessary to assess and assure compliance.

E. That the Permittee shall pay a fee sufficient to enable Centennial to carry out all necessary inspection, surveillance and monitoring procedures to independently determine the Permittee's compliance or noncompliance with applicable Pretreatment Standards and Requirements.

F. That a representative of the District shall be authorized to enter the premises of the Permittee in which a discharge source or treatment system is located or in which records are kept under 40 C.F.R. 403.12(n), for the purposes of inspection or monitoring activities.

G. The District shall have the authority to disconnect the Permittee's system from the District's system, or to require the Permittee to immediately and effectively halt any discharge or pollutants into the POTW or any portion thereof, if such discharge reasonably appears to present an imminent endangerment to the health and welfare of persons or to the environment or interferes with the operation of the POTW or any portion thereof.

H. Other provisions as may be required by the District, but the Clean Water Act or by EPA regulations, including a procedure to protect the confidentiality of reports and information furnished by the Permittee in accordance with 40 C.F.R. 403.14. Effluent data shall be considered nonconfidential.

I. The District shall annually publish in the largest daily newspaper published in Douglas County a list of the SIU's which significantly violated any Pretreatment Standards or Requirements during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the SIU during the same twelve (12) months.

J. That the permittee shall pay an industrial surcharge fee as specified in Exhibit A to cover the cost of treating wastewater with higher oxygen demand or solids loadings than those found in typical domestic wastewater.

ARTICLE VIII  
VIOLATIONS, PENALTIES AND COMPLAINTS

Section 8.1    Notice of Violations

When the District has reason to believe that any Person or Customer is not in compliance with any provision of these Rules and Regulations, that Person or Customer shall be served a written notice stating the nature of the violation, the amount of any penalty assessed, that service may be suspended, the right to appeal to the Board, and providing a reasonable time limit to correct the violation. Written notice shall be served by delivery to the Person or Customer reasonably believe to be the violator, by the method set forth in the Colorado Rules of Civil Procedure, Section 4 (e), or by mailing to the service address by first-class mail. Mail shall be deemed to be received within three business days of mailing. The violator shall, within the period of time stated in such notice, permanently cease all violations and pay all penalties assessed.

Section 8.2    Violations and Penalties of Article VI

Any Customer violating the provisions of Article VI, including the water conservation requirements shall be issued a written notice to correct the violation. If the condition is not corrected upon receipt of the notice, it shall constitute a first violation. If within six months of the issuance of a first notice a second notice is issued for the same violation to the same Customer, it shall constitute a second violation. Violators will be subject to the following actions and penalties:

- A.    In the event the Customer does not correct the violation as set forth in the notice, the Customer will be advised in writing and a charge of 10 percent of the current month's water bill, not to exceed one hundred dollars (\$100.00), will be assessed and added to the water bill.
  
- B.    In the event of a second violation within six months of the first violation, the Customer will be advised in writing and a charge of 25 percent of the current month's water bill, not to exceed three hundred dollars (\$300.00), will be assessed and added to the water bill.
  
- C.    For each subsequent violation occurring within six months of the first violation, the District may, upon written notice, suspend water service to the premises at which said violation occurred, but only after the Customer has had a hearing, as provided for in Section 8.8, and a charge of 40 percent of the current month's water will, not to exceed five hundred dollars (\$500.00), will be assessed and added to the water bill.

All Customers who receive warning or notice of violation pursuant to this section may appeal as set forth in Section 8.9.

Section 8.3    Violations and Penalties of Article VII

The District hereby adopts in total all Industrial Pretreatment Regulations promulgated by the Centennial Water and Sanitation District.

All authority to enforce the Centennial Water and sanitation District Rules and Regulations, Colorado Department of Health Regulations and the United States EPA Regulations pertaining to Industrial Pretreatment are hereby delegated to Centennial.

#### Section 8.4 Violations and Penalties of Section 5.7

Any Customer who has not installed a proper backflow prevention device pursuant to Section 5.7, shall be issued a written warning of the violation with notice to correct the violation. If a proper device is not installed, service will be suspended. A notice of suspension of service shall be delivered to or posted at the premises. A proper device must be installed within five (5) days after delivery or posting of the notice of suspension or service will be disconnected. All customers who receive a notice of suspension may appeal as set forth in Section 8.8.

In the event service is suspended, it will be reinstated only if a proper device is installed and inspected by the District and all penalties for failure to install a proper device are paid in full.

#### Section 8.5 Suspension of Service for Nonpayment

When payments for service are not received by the due date set forth on the bill, which shall be no less than 25 days from the date the bill is prepared the account will be considered past due.

Payments not received within 5 days after the due date will be considered delinquent. A penalty will be imposed in accordance with Exhibit A and a notice of delinquent account will be mailed. Owners or Customers who receive such a notice may appeal as set forth in Section 8.9.

Payment for service, penalties, charges, rates, fees, and tolls must be paid by the date set forth in the notice of delinquent account. If payment is not received, a notice of suspension of service will be mailed advising that payment must be made within ten (10) days or service will be disconnected. All Owners or Customers who receive a notice of suspension may appeal as set forth in Section 8.8.

In the event a notice of suspension is sent and whether or not service is actually suspended, arrangements satisfactory to the District shall be made for the payment of all fees, rates, tolls, penalties or charges due.

#### Section 8.6 Suspension and Disconnection of Service

For violation of any applicable portion of the District's Rules and Regulations or the terms and conditions of an Industrial Wastewater Discharge Permit, the District may suspend or disconnect service.

For violation of any applicable portion of the these Rules and Regulations or the terms and conditions of an Industrial Wastewater Discharge permit, the District may suspend or disconnect service upon proper notice.

In conjunction with its Industrial Pretreatment Program, the District recognizes the right of Centennial to enforce its Rules and Regulations by disconnection of sanitary sewer service to those

who violate industrial effluent standards of this District or of Centennial, whichever are more stringent, and that neither shall interfere with the other in the enforcement of their respective industrial effluent standards. The District will not reconnect any service connection which shall have been disconnected by Centennial, except upon the written request of such District. The District shall notify Centennial of any connection or disconnection of a sanitary sewer to users, at times and in a manner so as to cause a minimum of inconvenience to either party.

#### Section 8.7     Informal Resolution

Any Customer, upon receipt of a notice of violation or penalty of other than Article VII may, within five (5) days from receipt, request a conference with the General Manager to discuss the violation or penalty. Said conference shall be held within ten days of receipt of request. After such a conference, the General Manager shall render an opinion, and notify the Customer by first-class mail within five (5) days.

Any Customer may, within five (5) days from receipt of the General Manager's opinion, request reconsideration of said opinion. Within five (5) days of the request, the General Manager shall hold a conference with the Customer and District staff. The General Manager shall accept and consider any relevant evidence. Within ten (10) days from the conference, the General Manager shall make written findings and an order disposing of the matter and shall provide the Customer with a copy of such decision. Said decision may be appealed to the Board.

During the informal resolution procedure, as set forth herein, service will be suspended unless the General Manager determines that there is no danger to the environment, the POTW, or to any person or property.

#### Section 8.8     Suspension Hearing

Except as provided in an Industrial Wastewater Discharge Permit, as a result of a violation of Article VII or in any emergency situation, any Customer who has received notice of suspension of service may receive a formal hearing prior to suspension by submitting a written request. Such request shall be submitted within five (5) business days of receipt of said notice. The hearing shall be held within five (5) business days of receipt of the written request.

The General Manager shall designate a hearing officer who may be an officer, agent or employee of the District, provided that said hearing officer shall not have participated in any manner in the decision to suspend such service.

At the hearing, the Customer and any representative of the District shall be permitted to appear in person and shall have the right to present evidence and argument, the right to confront and cross-examine any witness. The Customer may be represented by any Person of his choice or by legal counsel. The hearing officer may receive and consider any evidence which has probative value and is commonly accepted by reasonable and prudent persons in the conduct of their affairs.

The hearing officer shall determine whether reasonable grounds exist to support the suspension of service. The hearing officer's decision shall be based upon evidence adduced at the hearing. The

burden of showing that reasonable grounds exist to support the suspension shall be upon the District. The burden of showing mitigating circumstances shall be upon the Customer.

Subsequent to the hearing, the hearing officer shall make written findings and an order disposing of the matter and shall provide the Customer with a copy of such decision within ten (10) days after the hearing. Said decision may be appealed to the Board.

#### Section 8.9 Appeal to the Board

Except as provided in an Industrial Wastewater Discharge Permit or as a result of a violation of Article VII, a Customer may appeal the decision of the hearing officer or the General Manager by filing with the General Manager a written notice of appeal within ten (10) days after the decision has been received. Such notice shall set forth in detail the grounds therefore. In the event of failure to file such written notice of appeal within said ten (10) day period, the decision of the hearing officer or General Manager shall become final. Service shall be suspended unless the notice of appeal is accompanied by payment of all charges, including arrearages, disputed amounts, and any penalties, charges, rates, fees, and tolls. In the event the decision is reversed, appropriate refunds will be made. The Board shall consider such appeal at the regularly scheduled or special board meeting to be held within 30 days of the filing of the notice of appeal.

The General Manager shall submit to the Board a summary of the proceedings. The Customer may present evidence to the Board at the meeting where the appeal is being considered. The Board shall then consider all evidence submitted to it by the General Manager, the Customer, and any other witnesses who may be called. The Board shall have the right to reasonably limit the time and manner of any presentation hereunder. Within fifteen (15) days after the Board hears and considers the appeal, the Board shall enter a written ruling based thereon, a copy of which ruling shall be delivered to the Customer. In the event that the decision is adverse to the Customer, all administrative remedies shall be deemed to have been exhausted.

#### Section 8.10 Emergency Situations

If an emergency situation exists which constitutes an imminent threat to the health or safety of Persons or potentially dangerous to the environment or to the POTW as determined at the sole discretion of the General Manager, the Customer's service may be terminated immediately without notice and such termination of service shall continue for as long as the emergency situation continues to exist.

### Section 8.11 Penalties Not Exclusive

The penalties set forth in this article are not exclusive and the District may prosecute to the fullest extent of the law any person engaged in any illegal activities and may institute whatever civil actions it deems necessary to insure compliance with these Rules and Regulations and to recover any damages, including attorney's fees caused by any violations of these Rules and Regulations.

### Section 8.12 Customer Complaints

Any Customer having any complaint with respect to the conduct or action of any employee of the District in connection with the operation of the water and sanitary sewer system or in connection with the administration or implementation of any rules, regulation or policy related to the operation of said systems, unless specifically provided for elsewhere in this article, shall follow the complaint process described hereafter:

A. The Customer shall contact the General Manager to register any complaint. The General Manager will investigate the Customer's complaint and, upon completion of said investigation, shall contact the Customer and relate all information associated with said complaint within fifteen (15) days. If the investigation yields evidence of actions or conduct contrary to the operations, policies, rules, regulations or other procedures of the District, the General Manager shall initiate appropriate corrective action and shall promptly report such action to the complainant.

B. The complainant can appeal the General Manager's decision to the Board. The decision of the Board or its representative will be given in writing to the Customer within thirty (30) days after the receipt of the appeal by the Board. In the event the decision is adverse to the Customer, all administrative remedies in connection with the appeal shall be deemed to have been exhausted.

### Section 8.13 Billing-Related Complaints

Any Customer having a billing complaint shall contact the accounting department in person, by phone or by letter. The accounting department will investigate the Customer's concerns and, upon completion of this investigation, shall contact the Customer relating all information associated with said complaint. If an error is discovered during the investigation, the succeeding bill shall reflect all adjustments. The Customer may appeal any decision as set forth in this Article.

ARTICLE IX  
FEES AND CHARGES

Section 9.1    Establishment of Rates and Charges

The rates and charges for water, sanitary sewer and street lights shall be as fixed and established by the board from time to time and set forth in these Rules and Regulations. The remedies provided in these Rules and Regulations are in addition to and not by way of derogation of any other remedies available to the District pursuant to any law or regulations.

Section 9.2    Perpetual Lien

Until paid, all fees, rates, tolls, penalties, or charges due in accordance with these Rules and Regulations, any Industrial Pretreatment Agreement or Industrial Sewer Agreement shall constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens.

Section 9.3    Joint Liability

The District shall have the right to assess to any Customer or Owner who is delinquent in payment of any rate, toll, fee charge or penalty, all legal, court, and other costs necessary to or incidental to the collection of said account, including attorney fees, and said costs of collection shall be secured by the perpetual lien referenced above. The Customer and Owner are equally liable for any rate, toll, fee, charge or penalty of the District. Any agreements entered into between Customers, Owners, or any other parties with regard to responsibility for payment of rates, tolls, fees, charges, and penalties of the District shall be of no force and effect upon the District and the District may collect its rates, tolls, fees, charges and penalties from any party responsible for their payment.

Section 9.4    Change of Rates and Charges

The Board reserves the right to change the schedule of water and sanitary sewer service rates and charges and other fees at any time.

Section 9.5    Tap Fees

Tap fees shall be collected with respect to property requiring service pursuant to these Rules and Regulations. The amount of such fees and the timing of the collection thereof shall be established from time to time by resolution of the Board.

Section 9.6    Water Meter Fee

The water meter fee, in addition to all other applicable fees and charges of the District, must be paid before the water meter will be furnished.

Whenever an installation of a water meter is required which is not covered by the schedule of charges, established from time to time by the Board and published as Exhibit A to these Rules and Regulations, such work shall be done only after the District has received a deposit of twenty-five percent (25%) of the District's estimate of the actual costs. The total actual costs must be paid before service will be provided.

#### Section 9.7 Inspection Fees

Inspection of facilities for water and sanitary sewer service are performed by the District. The Customer shall be required to pay an inspection fee.

There will be a supplemental fee for each additional inspection required due to failure of the Customer to have the facilities ready for the required inspection.

#### Section 9.8 Hydrant Permit Fee

Temporary construction water may be obtained pursuant to Section 5.6 by submitting the appropriate deposit to Centennial and paying the fees required by Centennial. Service shall be metered at locations selected by Centennial.

#### Section 9.9 Disconnection and Reinstatement Charge

For any request to reestablish service subsequent to suspension, there shall be a surcharge for disconnection and reinstatement.

#### Section 9.10 Temporary Service Connections

A temporary service connection may be installed for use over a period of time not exceeding twelve (12) months. For each such connection, an application must be submitted and approved by the General Manager and a temporary service connection permit charge shall be paid. Renewal of the annual permit may be granted by the General Manager upon showing of good cause.

#### Section 9.11 Fire Sprinkler Systems

Internal fire sprinkler systems shall be owned, operated and maintained by the Customer. These systems shall not be metered but shall incur costs annually as determined by the Board.

#### Section 9.12 Special Situations

Wherever any service is required which is not covered by the schedule of charges, established from time to time by the Board and published as Exhibit A to these Rules and Regulations, the District Manager shall estimate the actual cost to the District (including reasonable administration costs) of the required service. The service shall be provided only after the District has received a deposit of one hundred percent (100%) of the estimate of the actual cost. In the event the actual cost is less than the deposit, the balance shall be refunded to the person paying the deposit upon completion of the service.

#### Section 9.13 Security Deposit

The District may require a deposit by a Customer if deemed necessary by reason of estimated future water billings or if there is experience of delinquency in the payment of rates, fees or charges. Such amount shall be not less than the estimated cost of water and sanitary sewer service for a two-month period or such other amount as determined by the General Manager, subject to appeal pursuant to Sections 8.12. Deposits may be returned after one (1) year at the request of the Customer, providing that all bills rendered during the preceding 12-Month period have been paid within thirty (30) days of presentation. Otherwise, the deposit will be returned on termination of service and payment of the final utility bill.

#### Section 9.14 Billing

Bills for water and sanitary sewer service charges will be rendered at intervals of one month or multiples thereof.

#### Section 9.15 Metering

For the purpose of computing user charges, each meter on the Owner's or Customer's premises will be considered separately and readings of two or more meters will not be combined as equivalent to measurement through one meter.

#### Section 9.16 Meter Reading

Meter readers shall have the right to enter public and private property for the purpose of meter reading. All meters shall be free and accessible for said purpose of meter reading. All meter readers shall carry an identification card issued by the District. The meter reader need not be admitted to any premises unless he or she, if requested, displays the identification card to the Customer.

#### Section 9.17 Payment for Service

Bills for water and sanitary sewer service, and street light service shall be payable upon receipt of the statement and delinquent on the delinquent date as described in Section 8.5. The District, in its sole discretion may credit any amounts received to any charges due.

#### Section 9.18 Returned Check Fee

Any check or other negotiable instrument tendered to the District for payment of rates, tolls, fees, charges or penalties which is returned to the District and dishonored for any reason whatsoever shall be subject to a returned check fee.

Section 9.19 Unmetered Service Fee

The District shall have the right to assess a fee to any owner, Customer, or developer who fails to install a water meter prior to the sale of a property. The water service shall be terminated until the meter is installed.

ARTICLE X  
STREET LIGHT FEES

Section 10.1 Street Light Fees

A standard residential fee shall be assessed on the periodic water and wastewater utility bills for all homes which have residential street lights in service, the bills of which are paid for by one of the Highlands Ranch Metropolitan Districts.

The amount of the fee will be equal to the fee established by Public Service Company under the street light tariff for unincorporated areas as may be adjusted from time to time for energy cost adjustments passed through by Public Service Company and by the Public Utilities Commission.

Each new home shall pay a street light fee equal to the equivalent of 9 months of the standard residential fee at the time of payment of the Systems Development Fees.

ARTICLE XI  
PARKS AND OPEN SPACE

Section 11.1 Parks and Open Space Rules

- A. The control of dogs in Parks and Open Space is regulated by Douglas County Resolution R-999-147 (Attachment A) and is punishable as set out in that resolution.
- B. Owners must leash and pick-up after dogs.
- C. No motorized vehicles are allowed in parks or open space.
- D. Glass containers, littering, dumping and misuse of public property are prohibited.
- E. Fires are permitted only where grills are provided.
- F.
  - 1. Firearms are defined as any pistol, revolver, rifle, or other weapon of any description from which a shot, projectile, arrow or bullet may be discharged. This includes and is not limited to compressed air guns, CO2 and battery operated guns, BB guns, pellet guns, air soft pellet guns, paintball guns, and slingshots. Archery equipment is defined as any bow includes, but not limited to, a crossbow, longbow or compound bow, which shoots arrows or other projectiles. Model rockets and airplanes are defined as any craft that is propelled off the ground by a gas or electric engine, CO2, compressed air or any other form of power. Only model gliders propelled by humans and airplanes propelled by elastic bands are permitted.
  - 2. Possessing fireworks, firearms, archery equipment, model rockets and airplanes on any District owned or managed properties is prohibited, except as provided by C.R.S. Section 18-12-2.
  - 3. Firing or shooting any firearm or archery equipment in or into any District Owned or managed properties is prohibited.
- G. Parks and open space are open from 5:00 a.m. to 11:00 p.m. daily.
- H. Hitting golf balls in or into District owned or managed properties is prohibited.
- I. Amplified sound systems are prohibited unless specifically authorized in writing by the District.
- J. Disorderly conduct as defined in C.R.S. 18-9-106 is prohibited (Attachment B).
- K. Harassment of wildlife as defined in C.R.S. 33-6-128 is prohibited. All of this statute will apply as a parks and open space rule except sub-section (3) (Attachment C).

- L. Rules violations of B through K above are punishable as provided in C.R.S. 18-9-117 (Attachment D).

#### Section 11.2 Land Use Rules – Open Space

- A. Motorized vehicles are not permitted in open space. Private property may not be accessed through District open space.
- B. Dumping and littering of any kind is prohibited. This includes grass clippings, sod, soil, trash, debris, landscape materials, and dog waste.
- C. Recreation amenities such as playgrounds, tetherball, volley ball courts, ball fields, trampolines, horseshoe pits, tree houses, rope swings and archery ranges not constructed by the District are prohibited.
- D. Extended landscaping including gardens, mowing on public open space, trees, shrubs, flowering plants, timber walls, dog houses, irrigation systems, sod, bird houses, baths and feeders and structural supports for improvements located on private property are prohibited.
- E. Storage of any kind including wood, utility-trailers and materials is prohibited.
- F. Dog Off-Leash Areas (DOLA's) hours are from 7:00 A.M. until sunset year-round. These hours can be enforced under C.R.S. 18-9-117 (amended on 3/30/04).
- G. Rules violations are punishable as provided in C.R.S. 18-9-117 (Attachment D).

#### Section 11.3 Fence Rules

- A. Owners of property adjacent to fences maintained by the District shall not place any landscaping or other materials in such a manner as to cause damage to any fence. The District may remove any such materials as provided in Section 11.6 hereof.
- B. Any person causing any damage to any fence maintained by the District shall promptly repair such damage.

#### Section 11.4 Operation of Motor Vehicles and Equipment in Parks and Open Space

The Operation of any motor vehicle or equipment on or through parks and open space owned and maintained by the District is prohibited except for the following:

- A. District vehicles and equipment.
- B. Centennial Water and Sanitation District service vehicles and equipment.
- C. Douglas County Sheriff's vehicles and equipment.

- D. Littleton and Highlands Ranch Fire and Rescue vehicles and equipment.
- E. Vehicles and equipment operated at the direction of public agencies, such as the Denver Water Board, The City of Aurora, Willows Water District, Urban Drainage and Flood Control District, Douglas County Department of Public Works, when being used by such entities to install or maintain facilities located in their easements or rights-of-way.
- F. Vehicles and equipment operated by contractors of the District or Centennial Water and Sanitation District provided the contractor has obtained an access permit from the District.

#### Section 11.5 Violations of Article XI

Violations of Sections 11.1 and 11.2 are a class 3 misdemeanors punishable by a fine from \$50.00 to \$750.00 or six months imprisonment or both, as provided in the Colorado Revised Statutes.

#### Section 11.6 Other Remedies of the District

- A. Any violation of Sections 11.3(A) and (B) adjacent to private property shall be deemed to have been placed by the owner of the adjacent property and that property owner shall be responsible for the correction of the violation.
- B. In addition to any penalties provided by the Colorado Revised Statutes, the District may correct violations of Sections 11.2(B), (C), (D), (E) and 11.3.
- C. Prior to correcting any violation, the District shall give the party responsible 10 days written notice.
- D. In the event the District corrects any such violation, the responsible party shall be assessed a fee equal to the amount required to correct the violation plus 20% for administrative expenses. Any such fee shall be collected by the District as provided by law. If the responsible party is a property owner in the District, the fee shall become a lien on the property.
- E. Any party aggrieved by this section may appeal as provided in Section 8.7.

#### Section 11.7 Wheels Area (Skateboard, In-Line and BMX) and In-Line Hockey Rink

- A. Wheels Areas are open daily from 7:00 a.m. to dusk.
- B. In-Line Hockey Rinks are open daily from 7:00 a.m. to dusk.
- C. Users of Wheels Area must be at least 5 years old.
- D. Bicycle pegs must be covered.

E. The General Manager is authorized to post appropriate signage which shall include at least the following:

- Helmets, knee and elbow pads, wrist guards, and shoes are strongly recommended.
- For your safety, know your limits and skate or ride within them and check the area to be sure its safe before you skate or ride.

Section 11.8 Additional Rules for Civic Green Park

A. Dogs shall only be permitted on the perimeter sidewalks of the park, located on Burgundy St., Green Ash St., and Ridgeline Blvd., and in the Arboretum area of the park. In all other areas of the park, dogs shall be prohibited.

B. Bicycles, skateboards, and scooters must be dismounted in all areas of the park except on perimeter sidewalks located on Burgundy St., Green Ash St., and Ridgeline Blvd.

ARTICLE XII  
OPEN RECORDS

Section 12.1 Policy

- A. It shall be the policy of the District to make all public records available for public inspection at reasonable times in accordance with the Colorado Open Records Act, §24-72-201, et seq., C.R.S. (CORA).
- B. Subject to the limitations imposed by the Colorado Open Records Act, public records are all documents that exist on a piece of paper; this also includes recorded media and electronic mail communications (E-mails).
- C. The purpose for this policy is to set forth a general procedure for providing consistent, prompt and equitable service to those requesting access to public records and to establish reasonable and consistent fees for providing documents and so that the District can recover a portion of the cost of staff time for responding to open records requests.

Section 12.2 Procedures

- A. The General Manager is the official custodian of all records that are maintained by the Districts.
- B. Citizens may make informal requests to the District employees for copies of specific identifiable and releasable public records that are readily available in the custody and control of various employees. Generally, the employee will make reasonable efforts to fill requests for those records as soon as reasonably practical.
- C. Any request that cannot be filled immediately shall be made in writing to the General Manager who will, in consultation with the District's attorney, review the records request for confidentiality issues prior to their release.
- D. If the written request cannot be filled immediately or the records are otherwise not readily available at the time the request is made, the General Manager will set a date and time for records inspection that is within three working days of the date on which the request was made. Such period may be extended if extenuating circumstances exist (per §24-72-203(3)(b), C.R.S.), but the total time including the extension period will not exceed ten working days from the date on which the request is made.
- E. The Districts may respond to requests for access to public records stored electronically and in computer databases by providing, upon written request, a copy, disk or printout, but not by allowing access to a computer terminal or the use of a private terminal connected to the Districts' computer system. Before releasing any electronic data, the General Manager will determine that the electronic data are no longer considered a "work-in-progress" subject to the deliberative process privilege or work product privilege and therefore eligible for release.
- F. Requests by the media shall be made directly to the Community Relations Manager. The

Community Relations Manager will make every reasonable effort to comply with the media request. If the Community Relations Manager is unable to fill the request, the Community Relations Manager will direct the media to submit a written request to the General Manager. Thereafter, the request will be governed by the provisions of this policy and the Act.

### Section 12.3 Charges

- A. There shall be a charge for any copies, printouts, or photographs requested. The cost for a standard size photocopy will be \$0.25 per copy. The charge for copies other than photocopies shall be \$1.25 per copy.
- B. There will also be an hourly fee for a) the manipulation of data; b) research to locate and gather requested documents; c) to otherwise manipulate the documents to make them appropriate for release, for instance, to redact documents to excise privileged material. A time-log will be kept for any time in excess of one hour. The standard charge for a District employee to perform this research shall be \$35.00 per hour. In the event the General Manager determines that a higher salaried employee or contractor is required because special skills are needed or because the District cannot promptly respond to a request and still provide normal and usual services to the public, the fee will be the higher of \$35.00 or the actual cost to the District. Prior to beginning the project, the General Manager shall inform the person requesting the records of the hourly fee for the person selected by the General Manager to perform the work and an estimate of the number of hours which will be required. Upon payment of the amount estimated, the District shall begin processing the request. Persons making a subsequent request for the same record shall be charged the same fee. In addition, there shall be an hourly fee of \$35.00/hour when the public record must be generated by computer output other than word processing.
- C. The fee charged for access to public records in electronic form will be based on recovery of the actual incremental costs associated with building and maintaining the database, as determined by Information Technology.
- D. Unless it requires extensive staff time, the District does not charge for requests from:
  - 1. other governmental entities;
  - 2. professional organizations to which the District as a whole pays membership dues, such as the Special District Association;
  - 3. students for specific educational projects;
  - 4. the media. These requests should be referred to the Community Relations Manager.

E. The District will charge for the following documents as follows:

- |    |                 |         |
|----|-----------------|---------|
| 1. | District CAFR   | \$20.00 |
| 2. | District Budget | \$20.00 |

The District will make these documents available on their web site.

Section 12.4 Access Denied

A. Access to certain records may be denied in accordance with the provisions of the CORA. Inspection of the following public records may not be permitted if, upon consultation with the Districts' Legal Counsel it is determined that the document is privileged or prohibited from disclosure:

1. If release is prohibited under any state statute, federal statute, or regulation issued thereunder or is prohibited by rules promulgated by the order of any court;
2. Personnel files, including social security numbers, home addresses and telephone numbers, and medical, psychological, and sociological data;
3. Scholastic achievement data;
4. Test questions and scoring keys;
5. Sexual harassment investigations;
6. Work product and drafts;
7. Letters of reference;
8. Identities of applicants, except finalists, for the position of General Manager;
9. Investigatory files compiled for any law enforcement purpose;
10. Addresses, telephone numbers, or financial data of past or present users of public utilities, public facilities or recreational or cultural services;
11. Real estate appraisals until the time that title passes to the District;
12. Documents pertaining to Homeland Security Act; and
13. Attorney/client privileged material.

ATTACHMENT A

DOUGLAS COUNTY RESOLUTION NO. R-999-147

ATTACHMENT B

COLORADO REVISED STATUTES

18-9-106. Disorderly conduct

- (1) A person commits disorderly conduct if he intentionally, knowingly, or recklessly:
  - (a) Makes a coarse and obviously offensive utterance, gesture, or display in a public place and the utterance, gesture, or display tends to incite an immediate breach of the peace; or
  - (b) Abuses or threatens a person in a public place in an obviously offensive manner; or
  - (c) Makes unreasonable noise in a public place or near a private residence that he has no right to occupy; or
  - (d) Fights with another in a public place except in an amateur or professional contest of athletic skill; or
  - (e) Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting; or
  - (f) Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm.
- (2) It is an affirmative defense to prosecution under subsection (1)(b) of this section that the actor had significant provocation for his abusive or threatening conduct.
- (3) An offense under subsections (1)(a) to (1)(c) of this section is a class 1 petty offense, an offense under subsection (1)(d) of this section is a class 3 misdemeanor; an offense under subsection (1)(e) or (1)(f) of this section is a class 2 misdemeanor.

## ATTACHMENT C

### COLORADO REVISED STATUTES

#### 33-6-128. Damage or destruction of dens or nests - harassment of wildlife

(1) Unless permitted by the division, it is unlawful for any person to willfully damage or destroy any wildlife den or nest or their eggs or to harass any wildlife. Any person who violates this subsection (1) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of one hundred dollars and an assessment of ten license suspension points. For the purposes of the subsection (1), nothing shall prohibit the removal of wildlife dens or nests when necessary to prevent damage to property or livestock or while trapping.

(2) Unless otherwise allowed by commission rule or regulation, it is unlawful for any person to knowingly or negligently allows or directs a dog which he owns or which is under his control to harass wildlife, whether or not the wildlife is actually injured by such dog. Any person who violates this subsection (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of two hundred dollars.

(3) A district wildlife manager or other peace officer may capture or kill any dog he determines to be harassing wildlife. The provisions of this subsection (3) shall not apply to dogs that are under the direct personal control of a person.

## ATTACHMENT D

### COLORADO REVISED STATUTES

18-9-117 Unlawful conduct on public property.

(1) It is unlawful for any person to enter or remain in any public building or on any public property or to conduct himself in or on the same in violation of any order, rule, or regulation concerning any matter prescribed in this subsection (1), limiting or prohibiting the use or activities or conduct in such public building or on such public property, issued by any officer or agency having the power of control, management, or supervision of the building or property. In addition to any authority granted by any other law, each such officer or agency may adopt such orders, rules, or regulations as are reasonably necessary for the administration, protection, and maintenance of such public buildings and property, specifically, orders, rules, and regulations upon the following matters:

- (a) Preservation of property, vegetation, wildlife, signs, markers, statues, buildings and grounds, and other structures, and any object of scientific, historical, or scenic interest;
- (b) Restriction or limitation of the use of such public buildings or property as to time, manner, or permitted activities;
- (c) Prohibition of activities or conduct within public buildings or on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance;
- (d) Necessary sanitation, health, and safety measures, consistent with section 25-13-113, C.R.S. 1973;
- (e) Camping and picnicking, public meetings and assemblages, and other individual or group usages, including the place, time, and manner in which such activities may be permitted;
- (f) Use of all vehicles as to place, time, and manner of use;
- (g) Control and limitation of fire and designation of places where fires are permitted;

(2) No conviction may be obtained under this section unless notice of such limitations or prohibitions is prominently posted at all public entrances to such building or property or unless such notice is actually first given the person by the officer or agency, including any agent thereof, or by any law enforcement officer having jurisdiction or authority to enforce this section.

(3) Any person who violates subsection (1) or this section is guilty of a class 3 misdemeanor.

## EXHIBITS

Exhibits A, B and C are subject to change by the Board of Directors and are not included in this printed copy of the Rules and Regulations. For an updated copy of the current Exhibits, please contact the Highlands Ranch Metropolitan District Offices at:

62 W. Plaza Dr.  
Highlands Ranch, CO  
(303) 791-0430