

**RULES AND REGULATIONS**  
**OF THE**  
**DONALA WATER & SANITATION DISTRICT**  
**El Paso County, Colorado**

The following Rules and Regulations are adopted by the Donala Water & Sanitation Board of Directors. They conform to State and Federal Law, and will be followed as procedure by Donala Staff. Changes to these Rules and Regulations require Board of Director approval. These Rules and Regulations will be posted on the District web site and will be available for review in the District office.

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## **FEES AND CHARGES**

Specific fees and charges will be adopted by the Board of Directors from time to time. Normally fees and charges for the next fiscal/calendar year will be adopted by resolution at the November or December Board of Directors meeting. However, changes to the fees and charges can be made at any time through the year with Board approval.

### **1. Standard Fees**

**1.1. Availability of Service Fee (AVS)** – AVS fees are charged on all empty platted lots within the District that have either water or sewer service within 100 feet of the property. AVS is also charged on all units under construction and not yet occupied. AVS will never exceed 50% of the average annual water & sewer bill, and collections from AVS will only be used to service District debt, to include bonded indebtedness and loan payment requirements. AVS on lots that are in District Tax Area B (water only service) will be 50% of the normal AVS charge. AVS is due on all locations as of January 1 of each year, and payable no later than April 15<sup>th</sup>. If units under construction come on line as customers by February 28<sup>th</sup> of the respective year, AVS will be waived. Until April 15<sup>th</sup> AVS will normally be due when tap fees are paid on an eligible empty lot.

If AVS is not paid by April 20<sup>th</sup> a warning letter will be sent to the owner. A reasonable amount of time will be given. If the unit is under construction and water service is available, after sufficient warning water service will be terminated. If payment is still not made within 10 days following service termination, and for empty lots where payment has not been made after adequate warning is made in writing, a lien will be filed on the property. Lien removal fees and service re-connection fees will be periodically set by the Board and enforced upon lien removal. The lien will be removed and/or service re-connected only after the removal fee, interest, service re-connection fee, and all back AVS fees have been paid.

**1.2. Tap Fees** – Tap fees are due on all lots prior to construction. Water /sewer service line locations will not be provided, nor service lines inspected until tap and development fees are paid. At the discretion of the General Manager, sewer service depth may be provided before payment in order for the builder to accurately estimate the depth of the foundation to be built. Tap fees are normally used for repayment for District infrastructure required to provide the service to the lot (wells, treatment plants, tanks, etc).

**1.3. Development Fees** – Development fees are due at the same time as tap fees. Development fees are normally used for District future water/sewer infrastructure expenses. Additional surcharge on water and sewer monthly service charges are deposited in the same development accounts.

**1.4 Water Investment Fee** - Due at the same time as tap and development fees. Essentially a “buy in” for new development of District renewable water costs.

**1.5. Installation Fees** - Installation fees are due at the same time as tap and development fees. Installation fees cover the cost of the plumbers “meter kit” (meter, pressure regulator, backflow protection, transponder), as well as District staff inspection. Included in the Installation fee is a set deposit that may be refunded if all District specifications are adhered

to when the transponder is set, just prior to closing (see section on Service Installation to follow).

**1.6. Water & Sewer Service Fees** – Service fees are charged on a monthly basis. There is a set minimum water service fee and the monthly sewer service fee. Additional water usage fees are charged once meters are read and recorded. Service fees are due by a specific due date, and normally declared “late” after five days following the due date. If full payment is not made within 60 days (Amended July, 2013), water service may be terminated after sufficient written and telephonic warning is made, and customers are given ample opportunity to contest the matter. A service re-connection fee will be charged, due with full payment of the bill and before service is re-connected. A lien may be filed on the property after 10 days following service termination. A lien removal fee may be charged and is due along with the service re-connection fee and full payment of the bill. Office staff are authorized to make special arrangements with customers to pay extreme bills over an agreed reasonable amount of time.

**1.6.a Water Leak Adjustment Program** - . The Water Leak Adjustment Program is intended to provide financial relief to Customers who experience extremely high water use as a result a leak. Water leak adjustments are limited to two per Premise in any thirty-six (36) month period. Water leak adjustments may span a maximum of two billing periods. Within the context of the program, a water leak shall be defined as “an unintentional water loss caused by broken or damaged plumbing fixtures, pipes, or irrigation equipment, at a Customer’s residence or non-residential site that results in a Customer’s bill(s) being higher than the Customer’s typical bill for water services.”

Upon application for a water leak adjustment a Customer must verify that a water leak occurred, the estimated time frame of the water leak, and that the water leak was repaired. Utilities will accept reasonable documentation that the water leak was repaired, such as a receipt for repairs, parts, or a signed affirmation of the Customer. Utilities shall have the right to deny an application for a water leak adjustment or reduce the adjusted quantity of water that passed through the billing meter as a result of the water leak for a water leak adjustment if, in Utilities’ sole discretion, the leak or its magnitude is the result of negligence or malicious acts by the Customer. Once the District has confirmed a leak did occur, and it was repaired with the appropriate documentation, the District will review the year’s prior billing and consumption, and determine the amount of water that would have normally been used, and then provide a credit of 50% of the water that “leaked” out. (Approved by the Board of Directors, August, 2014)

**1.7. Voluntary Shutoff Fee** – Water users may voluntarily have their water service discontinued. A reinstatement-of-service fee will be charged for restoration of service. Minimum monthly water and sewer charges shall apply during the period that service is discontinued.

**1.8. Reproduction Fees** – Though most District documents are public record, the District may charge reproduction fees (determined based on the circumstances), payable before reproduction is accomplished.

## **2. Penalties and Fines**

**2.1. Late Fees** - Late fees are normally 5% of the unpaid balance and are charged on all service bills after the established “late” date (see above). Late fees are due with the full payment of the unpaid bill.

**2.2. Disconnect Letter Fee** - A fee will be charged to the customer if a certified (registered) letter is sent to notify of pending disconnection of service for any reason. The fee will be due along with the bill in question and any associated late fees.

**2.3. Service Re-Connection Fee** - If water service is terminated for any reason a re-connection fee may be charged and is due before service will be restored. If District staff is forced to dig up the service “stop box” valve in order to terminate the service, charges for time and materials may be added to the payment due.

**2.4. Lien Removal Fee** - A lien removal fee will be charged if a lien has been filed on the property. It is due in full along with any re-connection fee, late fees, interest, and any unpaid balance before the lien will be formally removed with the County Clerk’s office.

**2.5. Bad Check fee** - A fee will be charged for any check received by the District that is returned for Non-sufficient Funds (NSF), or for insufficient funds in the account when utilizing the District automatic withdrawal system. Normal payment of the bill that is due and the bad check fee will be by Cashier’s Check or Money Order. Cash may be accepted, but is discouraged, unless it is the exact amount.

**2.6. Ground Water Discharge to Sewer Penalty** - Penalty charges will be established and assessed against any person, company, or corporation who is determined to be discharging ground water to the District sanitary sewer.

**2.7. Unauthorized Discharge to Sanitary Sewer Penalty**– Discharge of unauthorized materials, to include but not limited to: petroleum products, paint, paint cleaner, toxic, poisonous or explosive substances, is prohibited. Such discharge or any other misuse of the District sanitary sewer facilities may result in fines or special charges as deemed necessary by the General Manager.

**2.8. Unauthorized Hydrant Use Penalty**– District owned and maintained fire hydrants are “off limits” to everyone except fire department and District personnel. Unauthorized use of a fire hydrant will result in a penalty, and a charge for the suspected water used.

**2.9. Cross Connection Control Penalty**- Failure to provide adequate cross connection control will result in immediate termination of service. This includes failed tests of backflow devices and any other cross connection issue deemed irregular by District personnel. Failure to provide annual certified backflow test results to the District will result in a penalty, and eventual disconnection of service.

**2.10. Grease Trap/Interceptor Charge** – A customer who fails to comply with grease trap or interceptor cleaning and pumping requirements may be assessed a penalty. The penalty

will be doubled the second time it occurs, and water service may be terminated if there is a third occurrence. All applicable service re-connection fees, etc. will apply.

**2.11. Unauthorized Irrigation Penalty** – If a customer irrigates during non-authorized times per the District rationing program the customer may incur warning letters, penalty fees and potential termination of water service.

**2.12. Special Service Fee** – If, in order to enforce compliance with District regulations, employees of the District provide special services at a property which the owner or occupant neglects or refuses to perform himself, or which are not related to the general maintenance of District facilities, then the cost of such work, including, but not limited to all materials, may be charged to the property owner or occupant as a service charge.

### **3. Administrative and Security Procedures**

**3.1. Privacy Information** - Due to Federal and State privacy restrictions, financial information of customers can only be provided to a “person of interest.” Water and sewer bill information is classified as personal financial information. Therefore, “persons of interest” must be identified by the customer at the time of service commencement, or by written notification later (In the case of a divorce or significant name change, the District must be notified in writing, signed by both parties).

**3.2. Incorrect Meter Reading** - If a water meter malfunctions or fails to register, the customer will be charged the average consumption of the previous two billing periods. The meter must be repaired or replaced before the next reading cycle.

**3.3. Payment Procedures** – Payment of normal fees and charges may be made in person, by utilizing the District “drop boxes,” by mail, or by credit card. District staff may require payment in person utilizing Cashier’s Check, Money Order or cash (exact change) in the case of a fine, penalty or other abnormal charges. Payment directly to District staff other than in the office during office hours is not authorized, absent specific approval by the Office Administrator.

**3.4. Payment Responsibility** – The ultimate responsibility for the payment of water and sewer service bills and any fees, charges or penalties described herein, resides with the owner of the property. If the home or establishment is leased, the District will normally bill the occupant for charges. However, failure to pay by the occupant does not relieve the property owner of responsibility. As described in previous paragraphs, water service may be terminated and a lien may be placed on the property until all fees, charges and penalties are paid.

**3.5. Transition of Tenant Policy** – In many cases a tenant will move out or abandon a property without paying final water and sewer bills. In most cases the District is unaware that the property is empty. It is the responsibility of the property owner to ensure that all water and sewer service fees, charges and penalties are paid before a new tenant moves into the property. If unpaid balances are not paid off in a reasonable amount of time, the District may notify the new tenant that charges are due and that water service will be terminated after a



reasonable amount of time. If water service is terminated in this instance, a lien will be filed immediately, and all procedures, fees, charges, and penalties described herein will apply.

**3.6. Facility Access** - Any non-District staff requiring access to any District facilities must provide a picture ID. Employment will be verified and keys will be signed out and in. The District will keep all access records on file.

**3.7. Utility Easements** – The District may require an easement for the purposes of construction, replacement, improvement, repair, maintenance and operation of utility facilities, including, but not limited to pipes, manholes, fixtures, water and wastewater collection lines, appurtenances and attachments. The District shall have the right of ingress and egress to and from said easements over and across the grantor’s property in the exercising of the rights herein. No building, structure, trees, shrubs, fences, landscaping other than a lawn, or other improvements shall be placed or constructed on or within said easement by the grantor without District permission. The District shall have the right to remove all obstructions or improvements from the easement which interfere with the activities above, without liability to the grantor. The District agrees that if it is required to disturb the surface of the easement for construction, maintenance or operation of the facilities, it shall restore the surface to the pre-disturbance condition, **however, the District is not responsible for replacement of buildings, structure, trees, shrubs, fences, landscaping, or other improvements that encroached within the easement and were required to be removed during construction and or maintenance within a recorded easement.**

**3.8. Construction Water** - Customers requiring water from a fire hydrant (other than fire department) may only utilize the metered hydrant located at a designated location within the District. Customers must sign up for water at the District office and may be required a deposit. Customers will be required to sign in on the log at the hydrant, to include beginning and ending meter numbers. Customers must have an “air gap” on their vehicle – no direct hydrant connection allowed. The District reserves the right to charge a higher rate for water to be used outside the District service area.

**3.8. Suspicious Activity** - Customers and others are asked to report any suspicious activity in or around any District facility as soon as possible. If it appears that vandalism or other criminal activity is involved, customers should contact the El Paso County Sheriff first, followed by calling the District. Any information that leads to an arrest or protection of District facilities could result in a monetary reward.

**3.10. Tampering** – As per CRS 18-4-506.5, tampering with water meters, cross connection devices, and other plumbing devices for the purpose of reducing water use recording is illegal, and will be prosecuted appropriately. Tampering includes interference of District workers performing their operational duties, and turning on the water service without authorization to a property where it had been turned off by District personnel.

**3.11. Use of Sewer** - No toxic, explosive or dangerous materials may be dumped down the drain or into a District manhole. Examples of prohibited items include but are not limited to: oil, gasoline, paint, drugs or drug paraphernalia, fireworks, etc. Anyone caught infiltrating the sewer system with prohibited items will be prosecuted, fined, and risk termination of water service. Anyone who is responsible for alerting the District to prohibited activity may be

authorized a reward. The District has published Sewer Use Regulations and a commercial/industrial sewer use permitting process that apply to all commercial and industrial users of the sewer. For more information, refer to the appropriate regulations.

**3.12. Residential or Commercial Access** -The District shall have the right of access to any property served by the District for the purpose of maintenance or to investigate suspected problems. Non-emergency procedures will be to set up an appointment via telephone or email. Every reasonable attempt will be made to contact the customer prior, to include telephone calls, and door tags on the front door. If it is obvious to the General Manager that the customer is purposely denying access, water service termination procedures may be initiated. If after adequate warning the water service is terminated, service re-connection fees and payment will apply. If service termination still does not yield access, a lien may be filed and lien removal fees and procedures will apply. District staff will present adequate identification prior to entry.

Emergency access may be accomplished if there is an obvious major leak and flood in the home, and attempts to turn off the service from the outside has failed. If it is determined that emergency access is required, the El Paso County Sheriff will be contacted. Only with Sheriff personnel authorization will physical break in be attempted. The District will not be responsible for any damage when reasonable precautions are taken.

**3.13. Discontinuation of Water Service** – Water service to any property or water user may be suspended or revoked by the District without obligation to repay any fees, charges or penalties which may have given for such service for any of the following reasons:

- (a) Failure to pay proper charges when due
- (b) Use of water for purposes not authorized by the District
- (c) Maintaining unauthorized cross connections or allowing any unsafe or unsanitary conditions to exist, including but not limited to those described herein
- (d) Failure to comply with any of the design criteria and specifications of the District
- (e) Failure to comply with the District Sewer Use Regulations
- (f) Failure to provide access by District personnel for inspection or routine maintenance purposes
- (g) Proof of tampering
- (h) General failure to comply with these Rules and Regulations

**3.14. Service Line Installation Locations** - Complete specifications will be provided to the builder (or payer of the tap/development fees) at the time of payment. Water and sewer service line locates will be provided at that time as well. It is the responsibility of the excavator to follow the District specifications and to call for an inspection when connections are made. If the locations of the service stubs cannot be found after a reasonable search, District staff will respond to assist. If it is determined that the stubs cannot be found it will be the responsibility of the District to provide adequate connections. Excavators may be instructed to complete the internal lot connections. Builders may be reimbursed for excavator time if it is determine the locations given were in error, or for excessive work. The water “stop box” will either be left exposed at ground level, or restored to that position prior to closing of the unit.

### **3.15 Water Policy for New Development, Redevelopment or Vacant Lot**

**Construction** - Adopted March 20, 2014 - An analysis of the new development's water demands must be undertaken based upon the proposed land use and proposed density. Since 2008, the district has taken strong steps to replace our existing, and limited, Denver basin aquifers water supply. The purchase of the Willow Creek Ranch, along with the stated intent to locate additional renewable water sources reinforces this policy. It is unwise to allow additional development to be based upon a declining water source.

The district has a utility resource report most recently amended in 2014 that specifies the platted and unplatted areas of the district, along with the allocated amount of water for each area. Knowing what the undeveloped commercial areas of the district have been previously "allocated" for existing water supplies, allows for a straight forward analysis of the initial allocation as opposed to the actual proposed uses.

-For new commercial development on previously platted lands, an analysis of the proposed water demands vs. the development's estimated water demands from the utility resource report would be required. If the proposed water demands are greater than the allocated amount, a new and renewable water source, to make up the difference, must be provided to the district from a source acceptable to the district, and delivery location as specified by the district. Title to the water being delivered must be titled to the district, and all required infrastructure must in place and approved, prior to any water and/or sewer taps being issued. The Board of Directors does reserve the right to establish a fee, in lieu of water dedication. This fee shall be based upon the costs to acquire, and perfect, the necessary additional water to serve the proposed development.

-For redevelopment projects, commercial or residential, an analysis of the current water demands on the property for potable water service vs. the proposed redevelopment's water demands would be required. If the proposed water demands are greater than the current use, a new and renewable water source, to make up the difference, must be provided to the district from a source acceptable to the district, and delivery location as specified by the district. Title to the water being delivered must be titled to the district, and all required infrastructure must in place and approved, prior to any water and/or sewer taps being issued. The board of directors does reserve the right to establish a fee, in lieu of water dedication. This fee shall be based upon the costs to acquire, and perfect, the necessary additional water to serve the proposed development.

-The district's current tap charges provide for a "water development fee" in the amount of \$5,000 per tap. This is imposed upon those building on previously platted lots within the district for residential use.

-In the event of new areas being annexed to district, the general policy is to require a renewable water supply. Individual lots proposed to be annexed for residential use (such as those in chaparral hills which the district has offered service to), will be required to pay the appropriate tap fees, including the water development fee, as well as the cost of extension of the necessary water and/or sewer lines to connect to Donala's current distribution and collection systems.

**4. Construction Procedures** – all construction of water and sewer infrastructure will be in accordance with the District Utility Design and Construction Specifications, and further instruction herein.

**4.1. Water and Sewer Service Line Installation** – Specific instructions are found in the “Builder’s Packet” issued to builders/plumbers at the time of tap fee payment. Said instructions can only be deviated from with authorization from the General Manager or Superintendent of Operations.

**4.2. Meter Kit Installation** - Plumbers will be provided meter kits for normal residential units. Kits will be installed per District specification and inspected at the time of transponder installation by District personnel (normally just before closing). Incorrect installation could result in water service disconnection and/or forfeiture of deposit paid at the time of Installation Fee payment. Commercial meter kits will not be provided on services over one inch. Builders will be responsible for purchase and installation of the appropriate meter kits to District specifications.

**4.3. Cross Connection Control** - Backflow protection devices will be provided as part of the meter kits. Normal residential devices do not require testing, but the District reserves the right to require testing if it deems necessary, or if there is a suspicion of a cross connection. Commercial and irrigation backflow devices will be of the reduced pressure kind, and testing results by a State certified backflow tester are required before the device is used the first time, and annually thereafter. Test results will be forwarded to the District on any appropriate form, as long as they contain the sufficient information and are signed by a certified tester. Homeowners without backflow devices (built prior to 1994) are encouraged to have one installed by a plumber.

NOTE: Backflow devices on smaller homes often create a pressure release problem that require a pressure relief tank, normally installed off the hot water heater (owner/builder’s expense).

**4.4. Pressure Regulators** - Pressure regulators will be provided as part of the meter kits. If only one regulator is used it will be upstream of the meter. A second regulator is often provided by the builder and installed downstream of the “off shoot” to the irrigation system. Normal District pressure is between 65-125 psi. Pressure regulators usually come preset to 55-65 psi. Homeowners may adjust the pressure regulators for more or less pressure. However, it is recommended that the downstream regulator not be set at more than 80 psi to protect downstream plumbing and appliances.

**4.5. Sumps and Sump Pumps** - In many cases builders install sumps in basements to collect drainage and runoff from outside the foundation. In other cases homeowners have installed sumps in basements due to infiltration of ground water. In all cases a pump should be installed in the sump and the water should be pumped OUTSIDE the house (away from the foundation). In no case will ground water of any kind be pumped or otherwise dumped down the basement sewer drain. Failure to comply with this regulation may result in termination of water service, and or fines.

**4.6. Water Valve Stop Boxes (Curb Stops)** - Upon final inspection and installation of the transponder (before closing) the water valve “stop box” must be visible and accessible for District use. In concrete or where landscaping allows, the top of the box must be level with the surface. If in a sodden or grassy area, the top of the box should be 2-3” above the surface

so as to be accessible when the grass grows, but not so high as to clip normal lawnmower blades.

**4.7. Grease Trap/Interceptors** – The District may require a grease trap or interceptor be installed on any appropriate commercial or industrial property. A discharge permit will be issued and specifications for construction of the device will be provided.

## **5. Maintenance Policies**

**5.1 “Ownership” of Infrastructure and Devices** – The District owns all water and sewer main infrastructure, including service lines up and including the water curb stop, and the sewer service line “stub out.” The District will maintain its system at no cost to the property owner, unless it is determined that damage was done to the system by the property owner. The District “owns” the residential water meters.

Service lines downstream of the curb stop and upstream of the sewer “stub out” are owned by and are the maintenance responsibility of the property owner. All plumbing, other than the water meter, are also owned by and the responsibility of the property owner.

**5.2. Water Plumbing Maintenance Procedures** - The District will repair and/or replace any malfunctioning water meter. If the meter malfunction is due to the fact that there is no pressure regulator upstream of the meter, the customer will be advised that the second and subsequent time repairs are needed the customer will be charged for time and materials. Pressure regulators are highly recommended upstream of the meters. Other maintenance issues will normally require the homeowner to hire a plumber. District staff will assist in turning off water for maintenance work, but will not normally perform the work themselves. Inspection by District staff will normally be required.

**5.3. Sewer Plumbing Maintenance Procedures** - The District will respond to any call regarding sewer service backups. If the District determines the backup is in the main or on the District side of the service line, District staff will make repairs. If there is damage to the home, District and homeowner insurance should be alerted for compensation. If the backup is not in the homeowner service line, and not the fault of the homeowner or builder, the District will normally cover any expenses not covered by insurance.

If the backup is in the customer service line, the customer will be responsible. It is highly recommended that a “rooter” company with TV capability be utilized to ascertain the cause and to help in any resulting insurance issues.

**5.4. Water/Sewer Service Line Maintenance Procedures** - The District is responsible for water and sewer mains and for the service line from the main into and just beyond the lot line, where the lines are “stubbed out” by the developer or the District. The maintenance for the service lines from inside the home to the “stub outs” is the responsibility of the homeowner or builder. If there is a water leak on the service line, District personnel will determine on which side of the curb stop valve the leak is located. If it is at or upstream of the curb stop, the District will make or contract for repairs, and take whatever measures are necessary to shut down the system. If the leak is inside the curb stop, the District will shut off the curb stop and require repairs by the homeowner/builder, and an inspection of said repairs prior to burying

the line and water turned back on is required. The curb stop pipe itself should be kept clean or dirt and debris. If District personnel are forced to dig up or clean out a hidden or debris filled stop box, every attempt will be made to preserve landscaping and other property. However, the District will not be responsible for restoring any landscaping or property as a result. It is the responsibility of the homeowner to keep the valve box accessible.

The outside water valve will not be used for constant or routine opening/closing. It is used for emergency and administrative use (failure to pay bills) only. Only District personnel will operate the valve, unless a plumber is specifically authorized by District management.

If a sewer service line is determined to be clogged, normally it is the responsibility of the homeowner/builder. If a TV inspection by a "roter" service determines the clog or break is beyond the sewer "stub out" and toward the sewer main, the District will assist in confirming the actual location and cause, and assume responsibility for repairs where appropriate. If damage is done to the District system by a contractor (roter service, excavator, etc) hired by the customer, repairs to the District system will be at the customer's expense.

**6. Other Applicable Regulations** – Along with the Sewer Use Regulations and Emergency Response Procedures mentioned previously, the following regulations apply where appropriate and all applicable parties should be aware and comply. Copies are available at the District office.

**Public Utility Design and Construction Specifications** - Applies to all water distribution and wastewater collection procedures.

**Water & Sewer Service Installation Specifications** - Applies to all builders and plumbers of new construction.

**Safety Manual** - Applies to all District staff and contractors.

**Personnel Policies** - Apply to all District personnel.

**7. Hearing and Appeal Procedures** - Apply to any complaint arising from the interpretation of these Rules and Regulations and any of the other regulations, specifications or policies listed herein.

**7.1. Initial Complaint – Informal Resolution** – Complaints concerning the interpretation, enforcement or administration of these Rules and regulations, and/or other regulations, specifications or policies listed herein must be presented to the District General Manager. An informal complaint may be presented and resolved verbally. If not, a signed written complaint must be presented. After complete review, the General Manager shall notify the complainant of action taken or resolution in writing within 15 days after receipt of the complaint.

**7.2. Notices of Violation** – Notices of violation, fines, charges or other penalties issued by the District may be appealed by the user by way of an Initial Complaint above, or appeal to the Board of Directors.

**7.3. Appeals to the Board** – Appeals may be taken from a decision of the General Manager, including the issuance of a Notice of Violation (above), by filing a written request for appeal to the Board of Directors, submitted within 15 days of the contested decision or Notice of Violation. The Board shall consider such appeal at a regularly scheduled or special meeting within a reasonable time, but in no event shall the hearing be held later than forty-five (45) days after receipt of the request. All proceedings at the hearing shall be recorded, and any complainant desiring a transcript of such record hearing shall be furnished the same upon payment of all costs involved with transcription. All parties may cross examine witnesses and examine evidence, and all parties are entitled to representation by legal counsel. If legal counsel representation is to be conducted, the District will be given ample notice so as to be represented by District counsel as well.

**7.4. Board Action** – The Board may affirm or overrule any decision made by the General Manager, increase, decrease or waive any fines, charges or other penalties assessed, and take any other pertinent action to resolve the issue. The final decision of the District shall be the decision rendered by the Board of Directors.

**7.5. Judicial Appeal** – Any party to the hearing before the Board of Directors adversely affected or aggrieved by the decision of the Board may appeal such decision to the District Court for the County of El Paso, pursuant to C.R.C.P. 106(a)(4).

**8. Adoption of Rules and Regulations** - These Rules and regulations are hereby re-adopted this date, the 21<sup>th</sup> day of July 2016.

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David Powell, President

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Robert Denny, Secretary