

## **SECTION 1**

### **PURPOSE AND POLICIES**

These Rules and Regulations have been enacted to serve the public in securing the health, safety, and general welfare of the inhabitants of the Grant Water and Sanitation District and to assist the District's Board of Directors in the administration and operation of the District. The sole authority for the operation of the District is vested in the Board of Directors by the Colorado Special District Act, C.R.S. Sections §32-1-101 to §32-1-1307 and §32-4-113.

\*2 Any ambiguity, conflict, omission or question of interpretation will be determined at the discretion of the Board. Further, the Board reserves the right to change, alter or amend these Rules and Regulations as it deems necessary. Any such alterations, additions or amendments shall be binding and of full force and effect as of the date such changes were approved by the Board of Directors. An asterisk, " \* ", by a section number or a subsection denotes a revision or addition has been made effective the date indicated on the Footnote Key page. An asterisk, " \* ", by an Article title indicates the entire Article has been added effective the date indicated on the Footnote Key page.

## SECTION 2

### DEFINITIONS

As used in these Rules and Regulations, unless the context shall otherwise require, the words defined in this section shall have the meanings herein ascribed:

- A. **ACTUAL COST:** All direct costs applicable to the construction of a given main, including construction, engineering, legal, inspection, plan approval fees and other costs.
- \*19 B. **AVERAGE ANNUAL WATER USAGE (AAWU):** Annual average water usage in gallons is determined by adding together the three lowest monthly water meter readings taken from the premises by Denver Water for the twelve months preceding the District's annual budget hearing and multiplying the sum by four.
- \*12 C. **BASE ANNUAL WATER USAGE (BAWU):** The District's base annual water usage determined annually by the Board.
- D. **BIOCHEMICAL OXYGEN DEMAND (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade, expressed in milligrams per liter.
- E. **BOARD:** The elected or appointed Board of Directors of the Grant Water & Sanitation District.
- F. **DENVER:** The terms "Denver" and "City of Denver" whenever used in these Rules and Regulations are synonymous and refer to the City and County of Denver.
- G. **DENVER WATER:** The terms "Denver Water", "Water Department", and "Denver Water Department" whenever used in these Rules and Regulations are synonymous and refer to that agency under the control of the Denver Board of Water Commissioners as defined by Section C4.19 of the Charter of the City and County of Denver, upon which this District relies for its supply of water and maintenance and operation of the water system within the District boundaries.
- H. **DENVER WASTEWATER:** The terms "Denver Wastewater," "Wastewater," and "Denver Wastewater Management" whenever used in these Rules and Regulations refer to Denver Wastewater Management.
- I. **DISTRICT:** The Grant Water & Sanitation District.

- J. ENGINEER:** Person or firm that has contracted to do engineering work for the District including but not limited to engineering design, field inspections, surveying and other engineering related services.
- K. GARBAGE:** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- L. LAKEWOOD:** The terms “Lakewood or “City of Lakewood,” whenever used in these rules and regulations are synonymous and refer to the City of Lakewood.
- M. LICENSED PLUMBER OR UTILITY CONTRACTOR:** A person who is licensed by the State of Colorado.
- N. LITTLETON:** The term “Littleton” whenever used in these Rules and Regulations shall mean that agency of the City of Littleton to which this District is responsible for continuation of transportation and treatment of sanitary waste, such as the Wastewater Division of the Department of Public Works, City of Littleton.
- O. MANAGER:** The person duly appointed by the Board to administer the affairs of the Board as well as the Board's employees, if any.
- P. NATURAL OUTLET:** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- Q. NON-RESIDENTIAL WASTES:** The liquid wastes from non-residential processes, trade, or business as distinct from domestic sanitary sewage.
- \*2 **R. OWNER-DEVELOPER:** The builder(s), landowner(s), developer(s), subdivider(s), agency(ies), or person(s) actually paying for the construction of mains, and/or physical tap permits.
- S. PERSON:** Shall mean any individual, firm, corporation, association, company, group or society.
- T. pH:** The common logarithm of the reciprocal of the mass of hydrogen ions in grams per liter of solution.
- U. PLATTE CANYON WATER AND SANITATION DISTRICT (Platte Canyon):**  
The term “Platte Canyon” whenever used in these Rules and Regulations shall mean the Platte Canyon Water and Sanitation District which is responsible to the District for continuation of transportation of sanitary waste.
- V. PUBLICLY OWNED TREATMENT WORKS (POTW):** That portion of the wastewater treatment system owned wholly or jointly by the City of Littleton. For the purposes of these Rules and Regulations, POTW shall also include any sewer that

conveys wastewater to the POTW from persons outside the POTW boundaries who are by contract or agreement with the POTW actually users of the POTW. The POTW treatment plant is located at 2900 South Platte River Drive, Englewood, Colorado, and is jointly owned by the City of Littleton and the City of Englewood.

**W. SANITARY SEWER SYSTEM:** All facilities for collecting, storing, transporting, pumping, treating, measuring, etc., sewage.

**X. SERVICE LINE:** Any pipe, not owned by the District, used to provide sewer, water or underdrain service to a building or premises from the District's sewer, water or underdrain mains.

**Y. SEWER OR SEWER MAINS:** Any pipe, piping or system of piping 8 inches in diameter or larger used as a conduit for the sewage in the District's sanitary sewer system.

**Z. SOUTHWEST METROPOLITAN WATER AND SANITATION DISTRICT (Southwest Metro):** The term "Southwest Metro" whenever used in these Rules and Regulations shall mean the Southwest Metropolitan Water and Sanitation District which is responsible to the District for continuation of transportation of sanitary waste.

<sup>\*2</sup> **AA. STUB-IN:** A service line connected to a District sewer, water or underdrain main, for which a tap permit and use of the system has not been granted, and which extends to any point from the property line to within five feet of the building foundation for single family residential use, and for commercial and multi-family use, which extends to any point from the property line to inside the building foundation, to which no inside building plumbing fixtures have been connected.

<sup>\*19</sup> **BB. SYSTEM DEVELOPMENT CHARGE - SEWER:** A charge assessed to an applicant for permission to connect to and use the District's sanitary sewer system, connected to the Littleton/Englewood Bi-City plant through contracts with Southwest Metropolitan Water and Sanitation District, Platte Canyon Water and Sanitation District and the City of Littleton. Such charge is assessed upon application for a new tap or change of an existing tap and is based on a calculation of the number of fixture units or residential dwelling units to be served. The charge may be used to finance system improvements and additions, including but not limited to capital improvements and replacements, or for capital reserves, or for the retirement of debt incurred for existing facilities.

**CC. SYSTEM DEVELOPMENT CHARGE - WATER:** A charge assessed to an applicant for a license to receive water through the District's system which derives its water supply from Denver and/or from the Denver system. Such charge is assessed upon application for a new tap, and is based upon the size of connection required. The charge may be used to finance system improvements and additions, including

but not limited to capital improvements and replacements, or for capital reserves and conservation, or for the retirement of debt incurred for existing facilities.

**DD. TAP OR CONNECTION:** The physical connection of a service line to a main.

**EE. UNDERDRAIN SYSTEM:** All facilities for collecting, transporting, and sampling groundwater and any other facilities necessary and appropriate for the legal functioning of the system.

\*2 **FF. UNDERDRAIN MAINS:** Any pipe, piping or system of piping, 6 inches in diameter or larger, used as a conduit to convey groundwater or other subsurface water from and around structures to a point of discharge in the District's underdrain system. Within the City and County of Denver, the underdrain mains are located higher than the sanitary sewer, however, within Jefferson County and the City of Lakewood, the mains are located lower than the sewer line.

**GG. USER:** Any person or entity to whom water, sewer or underdrain service is provided, including renters and operators.

**HH. WATER MAINS:** Any pipe, piping or system of piping 8 inches in diameter or larger, used for distributing water along public streets or appropriate rights-of-way or easements directly to various licensed premises within the District's boundaries.

**II. WATER SYSTEM:** The plant, facilities, system and assets controlled by the District Board and the Denver Water Department.

## SECTION 2

### FOOTNOTE KEY

- \*1 June, 1996 Revisions
- \*2 May, 1997 Revisions
- \*3 October, 1997 Revisions
- \*4 November, 1998 Revisions
- \*5 December, 1998 Revisions
- \*6 April, 2002 Revisions
- \*7 August, 2003 Revisions
- \*8 January, 2004 Revisions
- \*9 February, 2004 Revisions
- \*10 June, 2004 Revisions
- \*11 January, 2005 Revisions
- \*12 October, 2005 Revisions
- \*13 January, 2007 Revisions
- \*14 January, 2008 Revisions
- \*15 March, 2008 Revisions
- \*16 July, 2008 Revisions
- \*17 December, 2008 Revisions
- \*18 January, 2009 Revisions
- \*19 January, 2011 Revisions
- \*20 August, 2011 Revisions

## **SECTION 3**

### **AVAILABILITY OF SERVICE**

The District has limited capacity for single-family or equivalent service taps for land situate within its boundaries by virtue of its contracts with the Denver Water Department, the City of Littleton, Platte Canyon Water & Sanitation District and Southwest Metropolitan Water & Sanitation District.

As such, eligibility for service within the district is conditioned upon: (1) the approval of the District and Denver Water for water service; (2) the approval of the District and Littleton, Platte Canyon, Southwest Metro and, where applicable, the City of Denver and Denver Wastewater for sewer service; and (3) the approval of the District and, where applicable, the City of Lakewood, or the City of Denver, or Jefferson County for underdrain service. Eligibility for service within the District is also conditioned upon the compliance with the rules and procedures of the District and the other governing authorities as well as the payment of such fees and charges as may be assessed by the District and the other governing authorities from time to time.

\*2 The District may certify to the availability of water, sewer and underdrain service to the extent of its capacity for single-family dwelling units. Certification of availability of water, sewer and underdrain service for all multi-family dwelling units, and non-residential users will be reviewed by the District upon individual application therefore.

Service will be furnished only to persons residing in, or whose property is included within the District and subject to the Rules and Regulations of the District. If a person owning land outside the boundaries of the District desires service, such person must include the parcel upon which service is desired and all of their land contiguous to the parcel within the boundaries of said District.

Inclusion of land into the District boundaries must be approved by the Board of Directors, and the District may certify availability of sewer and underdrain service to lands so included.

## SECTION 4

### **VIOLATIONS, DISCONTINUATION OF SERVICE, AND ENFORCEMENT AND COLLECTIONS**

#### ARTICLE I

#### VIOLATIONS

- \*19 4.100 Any person found to be violating any of the provisions of these Rules and Regulations shall be served with written notice stating the nature of the violation and generally providing a reasonable time limit for satisfactory correction thereof. In an emergency situation a verbal notice may be given to the violator followed by a written notice. All notices that are required by statute to be mailed certified, return receipt requested shall be mailed in such manner.

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

Violations of any of the provisions of the District's Rules and Regulations may also result in the discontinuation of water service depending on the nature of the violation. Each violation will be reviewed by the District's Board and a determination made as to what action will be taken by the District.

#### ARTICLE II

#### DISCONTINUATION OF SERVICE

- 4.200 Upon compliance with the procedures set forth herein, the District may discontinue water, sewer and underdrain service to any parcel of real property for nonpayment of system development fees, service fees or similar charges, or for failure to comply with any of the requirements of the District's Rules and Regulations.

- 4.201 The following procedure will be adhered to prior to the discontinuation of water service for nonpayment of charges:

- \*18 A. When any charges have become delinquent, the District will mail and/or deliver to any person (or entity) liable therefore, at the service address and known current mailing address, a notice (the "Notice") advising such person (i) of the amount claimed to be due, including any delinquent charges; (ii) that water service will be discontinued for nonpayment of charges 5 days after notice is received, unless full

payment of all amounts due is received before that date; (iii) that said person has the right to a hearing concerning the alleged delinquency or the correctness of the amount claimed prior to discontinuation; and (iv) that said person must request such hearing at least 2 days before the discontinuation date specified in the Notice.

- \*18 B. If the responsible party fails to request such hearing within the time provided, the District will arrange to have the water service for the premises for which charges are delinquent discontinued forthwith and assess a reconnection fee that must be paid in addition to all other past due amounts.
- \*18 C. If the responsible party makes timely written request, the District will promptly notify the responsible party of the date of the next regularly scheduled board meeting at which a hearing will be scheduled. The responsible party may be represented by counsel at the hearing. The scope of inquiry at such hearing will be limited to whether the charges are delinquent and whether the amount claimed is in fact owed, in full or in part. The action taken by the Board of Directors will be communicated to the responsible party in writing. Discontinuation of water service will be stayed until the hearing is held the Board renders its decision.
- \*18 D. All amounts found to be due and owing will be paid on the same business day that the District Board of Directors renders their decision; provided, however, that upon an adequate showing of mitigating circumstances by the responsible party, the Board may extend the stay for up to ten (10) days following the date of the decision. If payment is not made as required herein, the District will arrange to have the water service for the premises for which charges are delinquent discontinued forthwith and assess a reconnection fee that must be paid in addition to all other past due amounts.
- \*18 E. All past due accounts must be paid in full or the amounts found to be due by the District Board of Directors must be paid in full. The District will then notify the Denver Water Department to allow resumption of service. In addition to paying the District's reconnection fee, the owner may be required to pay a reconnection fee to Denver Water to have service reconnected. Reconnection will be made in accordance with the District's agreement with the Denver Water Department.

### **ARTICLE III**

#### **ENFORCEMENT AND COLLECTIONS**

- \*18 4.300 All fees and charges imposed by the District will become a lien as set forth in section 4.301 below, on the property to which services are provided from the date said charges become due until said charges are paid. The property owner will be liable for all fees and charges for uses on his or her premises. In case the tenant in possession of any premises shall pay the charges due, it shall relieve the owner from such obligations and lien, but the District hereby assumes no responsibility for any agreements between landlords and tenants, regardless of

how made or whether the District was notified of such agreements and shall not be required to seek payment from any person whomsoever other than the owner. No change in ownership or occupation shall affect the application of this Section and the failure of any owner to discover that he or she purchased property against which a lien exists shall in no way affect his or her liability for such payment in full.

- 4.301 In addition to any other remedies available to the District, including the remedy of discontinuation of water service set forth in Article II above, the District may take the following action upon failure to pay any charges or fees by the date specified as due upon the bill or when they are otherwise due:
- A. The District may foreclose the perpetual lien placed on and against the property served in the same manner as provided by the law of the State of Colorado for the foreclosure of mechanics' liens (C.R.S. §38-22-101, et. seq.). The District shall take all necessary and proper steps to assure the enforcement and payment of charges assessed pursuant to this Article.
  - B. The District may maintain an action for the amount of charges due in a court of competent jurisdiction including interest as allowed by law.
  - C. The District may certify the amount of any charge due to the County Treasurer to become an assessment upon the property served to be collected in the same manner provided by law for the collection of general property taxes.