

**KREMMILING
SANITATION
DISTRICT**

**RULES AND
REGULATIONS**

**AS AMENDED THROUGH:
JULY 11, 2016**

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KREMMLING SANITATION DISTRICT RULES AND REGULATIONS

ARTICLE I

GENERAL

1.1 PURPOSE. It is hereby declared that the Rules and Regulations hereinafter set forth will serve a public purpose and are necessary to insure and protect the health, safety, prosperity, security and general welfare of the inhabitants of the Kremmling Sanitation District.

The purpose of these Rules and Regulations is to provide for the control, management and operation of the sewage collection and disposal systems of the Kremmling Sanitation District, including additions, extensions and connections thereto.

1.2 SCOPE. These Rules and Regulations shall be treated and considered as new and comprehensive, and shall supersede all prior Rules and Regulations of the District. The Appendices to these Rules and Regulations are incorporated into and made a part hereof.

1.3 INTENT OF CONSTRUCTION. It is intended that these Rules and Regulations shall be liberally construed to effect the general purposes set forth herein, and that each and every part thereof is separate and distinct of all other parts. No omission or additional material set forth in these Rules and Regulations shall be construed as an alteration, waiver, or deviation from any grant of power, duty or responsibility, or limitation or restriction, imposed or conferred upon the Board of Directors by virtue of statutes now existing or subsequently amended, or under any contract or by any governmental entity. Nothing contained herein shall be so construed as to prejudice or affect the right of the District to secure full benefit and protection of any law which is now enacted or may be subsequently enacted by the Colorado General Assembly pertaining to the governmental or propriety affairs of the District.

1.4 AMENDMENTS. These Rules and Regulations may be amended, altered, repealed or re-enacted at any regular or special meeting of the Board of Directors. Prior notice of such amendments shall not be required to be provided by the District.

1.5 MODIFICATION, WAIVER AND SUSPENSION OF RULES. The Board of Directors shall have sole authority to modify, waive or suspend these Rules and Regulations. Any such action must be in writing, signed by the Board of Directors, and shall not be deemed as an amendment to the Rules and Regulations.

1.6 DESIGN AND CONSTRUCTION SPECIFICATIONS. In addition to these Rules and Regulations, the District has adopted Design and Construction Specifications, the provisions of which are incorporated herein and made a part hereof by reference. In the event of any conflict of between the provisions of these rules and Regulations and the Design and Construction Specifications, the more restrictive provision shall apply unless otherwise approved by the District in writing.

ARTICLE II

DEFINITIONS

- 2.1 ACTUAL COST.** All direct costs applicable to the construction of a given facility, including, but not limited to, construction, engineering, inspection, plan approval fees, required bonding, “as-built” drawings and other incurred costs necessary for completion.
- 2.2 APPLICANT.** Any person, firm, corporation, partnership, association or entity requesting sewer service to be provided by the District.
- 2.3 APPROVED.** Acceptable under a specification or standard stated in these Rules and Regulations, the 1991 Uniform Plumbing Code, or MOP-9 (Design and Construction of Sanitary Sewers).
- 2.4 APPROVED TESTING AGENCY.** An organization primarily established for the purpose of testing to approved standards, and approved by the Wastewater Superintendent.
- 2.5 BACKFLOW PROTECTOR.** That device installed on the service line which prevents sewerage from entering the building drain.
- 2.6 BLEEDING.** The continuous discharge of the potable water system from a household or building for the purpose of preventing water line freeze.
- 2.7 BOARD OF DIRECTORS or THE BOARD.** The governing body of the Kremmling Sanitation District.
- 2.8 BOND.** Define as needed for Contractors.
- 2.9 BUILDING DRAIN.** That part of the lowest horizontal piping of a building drainage system from the stack or horizontal branch, exclusive of storm sewer, extending to a point not less than five (5') feet outside of the building wall.
- 2.10 BUILDING SEWER SERVICE LINE.** That part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to the District collection system.
- 2.11 CONNECTION PERMIT.** Written permission to connect to a public sewer of the District and pursuant to the Rules and Regulations of the District. All connection permits are deemed revocable licenses.
- 2.12 CONTRACTOR.** A person, firm, corporation, partnership, association or entity performing work and furnishing materials within the District.

2.13 CROSS CONNECTION. Connection or arrangement, physical or otherwise, between a potable water supply system and any building drain or building sewer carrying used or polluted water.

2.14 CUSTOMER. A person, firm, corporation, partnership, association or entity authorized to use the sewer under a permit issued by the Board of Directors.

2.15 DEVELOPER. The landowner, subdivider, agency, corporation, firm, partnership, association or entity bearing the actual costs of constructing a line(s).

2.16 DISTRICT. Kremmling Sanitation District, or its successor.

2.17 DISTRICT MANAGER AND/OR CLERK. Person(s) responsible for the daily management of the business affairs relating to the Kremmling Sanitation District.

2.18 GRADE. The slope or fall of a line of pipe as measured from the point where the line leaves the building to where it enters the District's collection system.

2.19 INSPECTOR. That person under the direction and authorization of the Wastewater Superintendent, engineer or the Board of Directors who shall inspect all excavations, installation of and repairs to any building sewer service lines or sewer mains.

2.20 INDUSTRIAL WASTE. Any waste of a nondomestic source which is liquid or solid, and contains any BOD and/or suspended solids in excess of 250 mg/l; pollutants which create a fire hazard; pH of less than 5.0 pH units or greater than 9.5 pH units; heat in excess amounts capable of raising the temperature at the headworks of the treatment plant by 20°; substances considered toxic by the Environmental Protection Agency and/or the Colorado Department of Health.

2.21 LOCATOR RIBBON. Plastic tape to be laid one (1) foot above the pipe and run the length of the pipe from the main to the hookup to the house.

2.22 OWNER. Any person, firm, corporation, partnership, association or entity owning the real property served by the sewer system.

2.23 PERSON. Any individual, firm, corporation, partnership, association or entity.

2.24 PUBLIC FOOD PREPARATION FACILITY. For the purposes of these Rules and Regulations, a Public Food Preparation Facility is any new or existing facility or business which prepares or cooks food for public consumption including, without limitation, schools, hospitals, restaurants (including fast food restaurants), coffee shops, butcher shops, meat markets, bakeries, caterers, dormitories, boarding houses, bars and lounges, private clubs, homeless shelters, community centers, recreation centers, nursing homes, assisted living centers, delicatessens, apartment complexes having a common kitchen, and the like. Grocery stores are included if they contain a restaurant, butcher shop or delicatessen.

[Added 11-8-2004. All following definitions are renumbered.]

2.25 PUBLIC SEWER COLLECTION SYSTEM or COLLECTION SYSTEM or THE SEWER SYSTEM. Any sewer mains, appurtenances or accessories owned by the District.

2.26 PVC. Polyvinyl Chloride pipe.

2.27 SERVICE LATERAL. A service lateral is a branch gravity sewer line constructed from the main gravity sewer to the right-of-way line or to a point established by the District. Service laterals and fittings shall be six (6) inches in diameter. Water tight factory made plugs shall be installed at the end of each service lateral until such time as a building sewer service line is attached thereto. A service lateral may be used to provide service to more than two individual four (4) inch building service sewer lines. In this case, a six (6) inch by four (4) inch double wye must be installed at the right-of-way in accordance with the detail contained in Appendix E attached hereto and incorporated herein by reference. Service laterals shall belong to the District once having been installed by the owner at the Owner's expense and accepted by the District, and shall become a part of the District's public sewer collection system. For maintenance purposes, the District shall be responsible only for the six (6) inch pipe and wye and the Owner(s) shall be responsible for the four (4) inch building service line(s).

2.28 SHALL. Is mandatory.

2.29 STUB-OUT. The section of service line from the public sewer to the property line; sometimes installed for convenience sake by a Developer.

2.30 TAP. The physical tie between the building sewer service line and the public sewer collection main.

2.31 TAP FEE. The SFE (Single Family Equivalent) Tap Fee to connect to the public sewer collection system as described in Appendix A of these Rules and Regulations. In the event of the installation of a service lateral as hereinafter defined, the owner shall pay a tap fee for each of the building sewer service lines attached to the service lateral. Said tap fee shall be due at the time of connection.

2.32 TAP INSPECTION FEE. The inspection fee to be paid by an Owner for the inspection of a tap, service lateral, service line and back fill in accordance with the schedule attached to these Rules and Regulations as Appendix A.

2.33 TRACER WIRE. During installation, #14 gauge electrical wire must be taped to the top of a sewer service line extending from the main to the hookup to the house.

2.34 USER. Any person, firm, corporation, partnership, association or entity to whom sewer service is supplied.

2.35 USER FEE. An average single family residence, or its equivalent, with respect to a total annual cost to the District.

2.36 WASTEWATER SUPERINTENDENT. Person responsible for the daily operation of the treatment plant and collection system for the District.

ARTICLE III

USE OF FACILITIES

3.1 OWNERSHIP AND OPERATION OF FACILITIES.

3.1.1 RESPONSIBILITY OF THE DISTRICT. The District is responsible for the operation and maintenance of the public sewer collection system but shall not be held liable or responsible for inadequate treatment or interruption of service brought about by circumstances beyond its control.

3.1.2 INSPECTION POWERS. The Wastewater Superintendent or other duly authorized employees, or agents of the District bearing proper credentials and identification, shall be permitted to enter upon all properties during regular work hours for the purpose of inspection, observation, measurement, sampling and testing.

3.2 USE OF COLLECTION SYSTEM.

3.2.1 GENERAL CONDITIONS.

A. No habitable building or building to be used for trade, commerce or industry shall be constructed within the boundaries of the District unless connected to the District's collection system.

B. All existing buildings within the District shall connect to the District's collection system when a sewer main is available within 400 feet of the premises. The District shall send a written notice to connect, in accordance with the State Plumbing Code. Within twenty (20) days after written notice is sent by registered mail, if connection is not begun, the Board may connect the premises to the sewer system. The District shall have a perpetual lien on and against the premises for the cost of making the connection.

C. No septic tanks or private sewage disposal systems shall be installed within the boundaries of the District.

D. No person shall so extend his service line as to supply service to the owner or occupant of any other premises.

E. Each owner shall be responsible for the installation and maintenance of the entire length of his building sewer service line from the building drain to the public sewer collection system.

F. All construction performed by an owner shall be done in accordance with the Uniform Plumbing Code in effect at the time of the construction and in accordance with these Rules and Regulations.

G. Not more than one (1) physical tap to the sewer main shall be allowed per connection permit; a connection permit shall be limited to one (1) unit. Not more than one (1) building shall be allowed per physical tap, except as provided in subsection 3.2.1, I.

H. No connection permit issued by the District shall be taken as authority to make any cut in a public street, alley or right-of-way, and shall not serve in lieu of any permit required by any other regulatory agency.

I. Only one (1) premises shall be supplied through a single service line, except in the case of hotels, motels, condominiums, apartments and such buildings as are operated as an integrated unit, with one (1) person or entity responsible for payment of user fees. These sewer systems must be designed by a Professional Engineer licensed in the State of Colorado and approved by the District. In the case of units with common walls, separate service lines may be joined in the public right-of-way and enter the sewer main from one (1) physical tap six inches or greater in size or as designed by a Professional Engineer and approved by the District. Service lines installed in this manner shall be clearly indicated, along with proper easements, on all lots prior to subdivision.

J. Each person connecting a new or renovated restaurant to the District's collection system shall be required to install and maintain a grease trap. Grease traps shall be subject to a periodic inspection by District personnel. Construction shall be in accordance with those portions of the Uniform Plumbing Code in effect at time of connection relating to grease traps, which are adopted, by this reference, as a part hereof.

K. No port-a-potties, sanilets, outhouses or other temporary facility of any nature whatsoever shall be allowed within the boundaries of the District. The Board of Directors of the District may allow any such port-a-potties, sanilets or outhouses for construction projects, special events or charitable or non-profit organizations for a period not to exceed 365 days upon approval by the Board in its sole discretion, of an application for permit therefor.

1. In addition to the submittal of an application and approval thereof, the Board shall be entitled to require payment of a fee for the processing of the application and the monitoring of the use of such temporary facility, the amount of which is to be determined by the Board from time to time in its sole and absolute discretion.

2. In the event of any violation of Subsection 3.2.1 K, the Board shall give the party in violation three (3) days written notice by mail and by posting upon the port-a-potty, sanilet, outhouse or other temporary facility and if the violating port-a-potty, sanilet, outhouse or other temporary facility is not properly removed within said period of time, the Board shall be entitled to assess a penalty in the amount of \$300.00 per violation and each day shall be considered a new violation. The District shall also have all other remedies available to it by statute, its Bylaws and these Rules and Regulations, including a perpetual lien against the property until such penalty is paid.

L. All Public Food Preparation Facilities, as herein defined, served by the District shall be required to install grease traps or other grease control means or methods meeting standards established by the District from time to time within a reasonable time period established by the

District from the date of written Demand to Install Grease Trap or Other Grease Control Means or Method issued to the Owner/Operator of the Public Food Preparation Facility. [Added 11-8-2004.]

3.3. RATES AND CHARGES.

3.3.1 The information contained in this section is pertinent to all charges of whatever nature to be levied for the provision of sewer service. Said rates, fees and charges as herein established are in existence and effect at this time and shall remain in effect until modified by the Board of Directors under the provisions of these Rules and Regulations. Nothing contained herein shall limit the Board of Directors from modifying rates, fees and charges, or from modifying any classifications.

3.3.2 The rates, fees, charges and other information shown herein shall apply to customers inside the District boundaries. Out-of-District user charges shall be computed at three (3) times the basic user fees on a monthly basis.

3.3.3 For the purpose of levying fair, reasonable, uniform and equitable charges, the following classifications and appropriate definitions are provided:

A. Single Family Dwelling: Shall be construed as a living unit suitable for occupancy by one or more individuals of a family and forming a separate structure from any other dwelling unit; consisting of one (1) or more habitable rooms arranged, occupied, or intended or designed to be occupied by not more than one (1) family's facilities for living, sleeping, cooking and eating. Additional fees may be due for exceptionally large dwelling units, in such amounts as may be determined by the Board of Directors.

B. Multiple Family Dwelling: Shall consist of a single structure or structures otherwise unattached to any other dwelling unit and wherein more than one (1) single family unit exists.

C. Mobile Home: Shall be classified as any unit originally built to be capable of being transported on wheels behind a standard power unit and moved on normal streets, roads and highways. Said unit must be suitable for living quarters and provide for normal domestic sanitary conveniences and built to Housing and Urban Development Codes.

D. Commercial & Multi-Users Are Defined Below And Include But May Not Be Limited To The Following:

1. Hotels, Motels, Condo-tels, Lodges, Boarding Houses, Dormitories, Bed and Breakfasts, etc. Shall be defined as a unit providing overnight sleeping facilities for transient usage. The charges shown herein for hotels, motels, condo-tels, lodges, boarding houses, dormitory and bed and breakfast units shall be charges levied only for the rooms and do not reflect charges for attendant facilities included at the hotel, motel, lodge, boarding house, dormitory or bed and breakfast; such as, but not limited to, restaurants, bars, swimming pools, hot tubs, retail outlets, automatic laundries, etc.

In the event any of these uses are changed to dwelling units, a further tap fee will be levied against the units for the difference between the amount originally paid and the current charge for a single family dwelling unit.

2. Cafes, Restaurants, Bars and Private Clubs. Shall include any establishment providing food or beverage service to the general public or to private membership and whereby charges for such service of goods and beverages are secured. Such units shall be classified by seating capacity.

3. Filling Stations and Garages. Shall be defined as service outlets providing for the servicing of vehicles. The basic definition of filling stations and garages does not include automatic washing or wash rack facilities, and additional charges are provided on the basis of each wash rack or manual washing facility.

4. Laundries. Shall refer to coin-operated laundries and drying facilities for clothing and textile usage. These charges do not reflect laundry facilities in hotels, motels, condominiums, condo-tels, lodges, dormitories, bed and breakfasts, etc.

5. Schools. Shall be defined as any private or public institution established and utilized for the instruction of any individuals, and where said units are to be operational for a period of six (6) months or longer on a normal five (5) day week.

6. Hospitals. Shall be defined as either private or public institutions with overnight facilities to provide medical services to patients.

3.3.4 A tap fee shall be charged prior to issuance of a building permit in accordance with the Schedule of Fees and Charges attached as Appendix A as hereafter amended.

3.3.5 Additions and/or changes in use of an existing building(s) shall require a new connection permit with appropriate tap fees paid at the time the connection and/or building permit is drawn.

3.3.6 User fees shall be charged on a monthly basis in accordance with the Schedule of Fees and Charges attached hereto as Appendix A as hereafter amended.

3.3.7 A rate for commercial and multi-users will be charged in accordance with the Schedule of Fees and Charges attached hereto as Appendix A as hereafter amended.

3.3.8 The customer shall pay to the District, by the 15th day of the month billed, the full amount of the statement. Where the customer believes said statement is in error, the customer must file, in writing, a notice to the District of the presumed error and request a clarification from the District Clerk. Upon review by the District Clerk, and resubmittal or revision of the statement, payment shall be due no later than ten (10) days from the postmarked date of the resubmitted statement.

3.3.9 At any time the user fee is not received within 30 days following the due date, the District shall have the right to assess a finance charge at a rate of \$5.00 per month for each month with an unpaid balance. The District shall further have the right, in its sole discretion, to terminate service to any customer who becomes forty-five (45) days or more late in payment for scheduled services. *[Amended 4-14-2008]*

3.3.10 If any user's bill for user fees is more than thirty (30) days delinquent, the District shall proceed as follows:

A. The District shall deliver to the delinquent user, by hand or by prepaid, certified mail, return receipt requested, a shut-off notice. Said shut-off notice will require the bill to be paid within fifteen (15) days of the time of receipt or hand delivery of the notice.

B. If neither the owner nor the occupant of the premises can be located for service of the shut-off notice, it shall be lawful to attach said notice to the front door of the affected premises.

C. The owner or current occupant shall have the right to request an informal hearing before the District Clerk, who shall be authorized to make adjustments or establish a payment schedule for overdue amounts. Said request must be made within fifteen (15) days after time of service of the shut-off notice.

3.3.11 If the charges are not paid within the 15 day period, the District Manager and/or Clerk will request that the Town of Kremmling discontinue water service until such time as the charges are paid.

3.3.12 Until paid, all rates, tolls, fees, penalties and charges shall constitute a first and perpetual lien on and against the property served, and any such lien may be foreclosed, as provided by law. In addition, following receipt of notice of said delinquency by the affected parties, including the property owner, the Board may, by resolution, certify the delinquent fees, rates, penalties, charges or assessments to the Grand County Treasurer for collection.

3.3.13 Tap fees and user fees charged shall be as shown in the Schedule of Fees and Charges hereto attached as Appendix A, as amended from time to time.

3.3.14 Buildings contributing excess flow to sewer lines from roof drains which cannot be rerouted out of the building drain shall pay an additional monthly or quarterly fee, at the discretion of the Board of Directors, in an amount determined by the Board, per square foot of roof space.

3.3.15 A commercial customer may request a credit on the monthly sewer charges due to a water leak that has caused a significant increase in their monthly sewer overage charges under the following guidelines:

A. Notification of a water leak must be provided to the District office and may be written or oral. The leak must be located such that leaked water does not enter the sewer collection system. (For example: a leaky faucet or toilet tank flapper does not qualify as the water does enter the collection system while a broken supply line would qualify.)

B. Upon notification, the District Manager will research the water usage in the previous three years in the same three months prior to notification of the district and will compare it to the most recent three months of water usage.

C. A credit amount, as determined by the District Manager, will be applied to the account in an amount equal to the difference of the additional overage charges accrued in the three month period.

D. The water leak must be repaired timely. If the leak persists after the notification to the District, a credit may be applied to the months following notification at 50% of the overage charge as compared to the same months in previous years until the leak is repaired.

[Section 3.3.15 Added 6-13-2016]

3.3.16 An “Inactive Tap” monthly service fee shall be assessed against a property with a valid sewer tap to which water service provided by the Town has been placed in a “shut-off” status or which has no existing Town water tap at a rate of fifty percent (50%) of the current monthly user charge of the District. A one-time administrative fee shall be charged at the time “Inactive Tap” status is started. No additional administrative fee shall be charged when full service is resumed. The monthly service charge and administrative fee shall be in accordance with the Schedule of Fees and Charges attached hereto as Appendix A as hereafter amended.

[Section 3.3.16 Added 7-11-2016]

3.3.17 A commercial customer may request to install an approved water meter on a water supply line to an irrigation system under the following guidelines:

A. A request for the installation of an irrigation water meter must be provided to the District office in either written or oral form. The Customer shall appear before the Board to request the approval at a regularly scheduled board meeting.

B. The water meter shall only be installed on a dedicated water supply line to an outdoor irrigation system. The supply line must be shown to be only used for outdoor irrigation purposes and that none of the water from that line enters the sanitary sewer collection system operated by the District.

C. The meter shall accurately measure the amount of water used solely for irrigation and that amount shall be deducted from the total water usage before calculating the overage charge for commercial users.

D. The District must be notified immediately if the irrigation meter is found to be defective, broken or removed.

E. The brand and style of water meter to be installed must be approved by the Town of Kremmling and shall be compatible with their meter reading equipment.

[Section 3.3.17 Added 7-11-2016]

3.4 TAP CONNECTIONS.

3.4.1 CONNECTION PERMIT. Before any connection is made to the District's collection system, a connection permit therefor shall be obtained from the District Clerk.

3.4.2 PAYMENT OF FEE. The tap fee shall be paid prior to the issuance of any building permit.

3.4.3 CHANGE OF USE. When buildings are intentionally moved, destroyed, remodeled or renovated for a new use, the original user fee and tap fee authorization shall be terminated. A credit for any actual number of tap fees previously purchased for the property and paid for, will be allowed toward the tap fees due on the new use or structure, provided user fees for the original number of users are paid continuously during the period of non-use. It shall be the responsibility of the user to establish the number of tap fees originally purchased for the previous use or structure to be credited against the new use or structure. In the event the new use or structure does not require the use of all of the original tap fees purchased, then all additional tap fees over and above those needed for the new use or structure may be terminated. The District shall not be required to refund any tap fees previously collected for those taps terminated under the provisions of this Section.

3.4.4 TIME LIMIT ON TAP FEES. Service to the property must commence within one (1) year after the date of the issuance of the building permit and payment of the appropriate tap fees. Whenever such service does not commence, the District, at its option, may:

A. Purchase the tap from the customer at the price paid by the customer without interest. At the date of such purchase, the building and connection permits become null and void. The permits can be reissued to the customer after that time following payment of the standard tap fees in effect at the time the permits are reissued; or

B. Begin service charge assessment at the correct rate allowed.

3.4.5 INSPECTION AND TAPPING CHARGE. A tap inspection fee shall be paid for the inspection of a tap, service lateral, service line and back fill in accordance with the schedule attached to these Rules and Regulations as Appendix "A". The inspection fee shall be paid at the time of purchase of the tap. *[Amended 8-10-2009]*

3.4.6 REVOCATION OF PERMIT. Any connection permit may be revoked, and the user's service line may be disconnected at the user's expense, if the installation or use of a sewer service line is not made in strict accordance with these Rules and Regulations or any prescribed specification of the District or any governing rules of the District.

3.4.7 TRANSFERABILITY OF TAP FEE. Prepaid tap fee privileges are usable only for service to the property or tracts intended at the time of purchase of the taps. They may not be transferred for use on other property or tracts.

3.4.8 BACKFLOW PREVENTERS AND TRACER WIRES REQUIRED. All improvements constructed within the District boundaries and required to hook up to the sewer system of the District shall be required to install backflow preventers and tracer wires on the service line meeting the technical specifications approved by the Board in advance. The plans and specifications for such improvement which are submitted to the County shall include the backflow preventers, and within thirty (30) days of the date of the certificate of occupancy, the builder shall provide the District with verification from the County that the construction has been inspected and that the backflow preventers and tracer wires were included in the construction.

3.5 INCLUSION INTO THE DISTRICT.

3.5.1 A request for inclusion shall be made by the owner or owners of one hundred (100%) percent of any real property capable of being served by the District, filing a properly notarized petition with the District Clerk, including a legal description of the real property and assent to the inclusion of the real property within the District by all owners of the real property. The petition shall be accompanied by a nonrefundable payment of \$300.00 to cover legal, engineering and publication costs. Additional costs which may be incurred by the District shall be paid prior to approval from the Board of Directors.

3.5.2 It shall be incumbent upon the applicant to furnish satisfactory evidence of ownership of the property to be included. Satisfactory evidence may consist of a current commitment for a title policy, tax receipts, or certification in lieu thereof, received from and signed by the County Treasurer.

3.5.3 The petition shall be submitted to the Board of Directors to set a date for the public hearing. A hearing will be held within thirty (30) days of the publication of the hearing notice.

3.5.4 The public hearing shall be held and the Board of Directors shall grant or deny the petition with or without conditions. If the petition is granted, the Board shall make an order and file it with the Clerk of the Court.

3.5.5 A request for inclusion may also be made by at least twenty (20%) percent or 200 tax-paying electors of an area containing 25,000 or more square feet filing a petition with the Board of Directors, or by the Board adopting a resolution proposing the inclusion of a specifically described area. Consent of the owner is required for any tract or parcel of property constituting more than fifty (50%) percent of the total area to be included. The requirements of sections 3.5.1, 3.5.2, 3.5.3 and 3.5.4 shall apply to inclusion requests made pursuant to this section.

3.5.6 If state statutes are amended to alter the requirements to include real property within the District, the applicable provisions of state statute will govern.

3.6 SERVICE OUTSIDE THE DISTRICT.

3.6.1 The Board of Directors may, if in the best interests of the District, contract with persons to furnish sewer service to properties located outside the boundaries of the District; but, under no circumstances shall the District construct or reimburse the costs for sewer mains or other facilities to service such properties.

3.6.2 Terms, conditions and user fees or other charges for furnishing sewer service outside the District shall be established at the discretion of the Board of Directors; but, no service shall be furnished to the properties outside the District unless the charge therefor is at least three (3) times the charge for service within the District.

3.6.3 The Rules and Regulations shall be applicable to all property owners outside the District who are furnished service pursuant to a contract with the District, and no connection to the District's sewer system shall be permitted until the property owner shall have agreed to abide by the Rules and Regulations.

3.6.4 In every case where the District contracts to furnish sewer service to properties outside District boundaries, the District reserves the right to discontinue such service when it is in the best interests of the District to do so, and such service shall be considered a revocable license.

3.7 LINE EXTENSIONS.

3.7.1 APPLICATION. No sewer main within the District shall be constructed or installed without prior written approval of the Board of Directors. Any person desiring to extend any main within the District shall apply to the District Clerk by supply the following:

- A. Signed Line Extension Agreement (in substantially the form attached hereto as Appendix B).
- B. Utilities plan as prepared by a professional engineer licensed by the State of Colorado.
- C. Specifications and bid documents as prepared by a professional engineer licensed by the State of Colorado.
- D. An assessed dollar amount, as determined by the Board of Directors, to cover expenses incurred by the District.
- E. Any other information as requested.

3.7.2 ACCEPTANCE OF APPLICATION. If all plans, specifications and other information supplied by the applicant receive favorable review by the Board of Directors, the Board of Directors may agree to allow extension of the main pursuant to these Rules and Regulations.

3.7.3 GENERAL PROVISIONS FOR EXTENSION OF MAINS.

A. The construction of all sewer service lines, service laterals and the extensions of mains shall be paid for by the applicant and shall be constructed in compliance with law and all standards imposed by the District including, but not limited to, these Rules and Regulations.

B. Sewer mains shall be installed to the farthest point or points of the property to be served.

C. Applicant shall be responsible for acquisition of any and all easements necessary for the immediate and future needs of the District relating to ingress or egress for survey, inspection, installation, maintenance, repair and replacement of sewer mains and appurtenances. Prior to construction, the applicant shall have provided evidence satisfactory to the District that the applicant owns sufficient and adequate property right-of-ways to permit construction, operation and maintenance of the proposed sewer main extension and appurtenances.

D. The applicant shall provide security acceptable to the Board of Directors for payment, performance and completion of the proposed main extension and any required appurtenances. Said performance bond shall remain in full force and effect one (1) year from the date of acceptance of said main extension by the District.

E. Prior to completion and acceptance by the District, all work performed by the applicant must be inspected by District personnel for compliance with all standards and regulations which the District may impose pursuant to these Rules and Regulations and law.

F. After the completion of the installation of any sewer main, the applicant shall convey such line and all appurtenances to the District free and clear of any and all liens and encumbrances of whatever nature. In addition, applicants shall assign to the District all rights under the performance bond required by paragraph 3.7.3 D. above. Prior to acceptance of said lines by the District, all easements required for the purposes set forth in paragraph 3.7.3 C. above shall be duly deeded to the District and recorded, and “as-built” drawings shall be provided by the Contractor.

G. Easements containing only sewer lines shall be 25' wide. Easements containing sewer and water lines shall be 35' wide. Applicants shall retain no right to install obstructions, trees, or substantial bushes on the surface of any easement transferred, conveyed or dedicated to the District.

H. All installed mains and appurtenances shall become the sole and unencumbered property of the District, and the District shall be responsible for the maintenance of and repair of such mains and appurtenances not earlier than one (1) year after the date of acceptance by the District. Maintenance of the mains and all appurtenances for the first year shall be the responsibility of the applicant. In addition, the applicant shall have responsibility to repair or replace any portion of the mains or any appurtenances which have failed during the first year following acceptance, even if the those repairs take place after the one-year warranty period has lapsed.

I. Sewer mains shall be laid only in dedicated, platted streets, alleys, or in properly described easements which are to be conveyed to the District, which easements shall provide for ingress and egress for all purposes listed in paragraph 3.7.3 C. above.

3.8 TAMPERING WITH SEWER SYSTEMS.

3.8.1 No person shall uncover, make any connection with, or opening into, use, alter or disturb any public sewer lines or appurtenances without first obtaining a written permit from the District.

3.8.2 No person shall discharge to any public sewer any harmful water or hazardous wastes, including, but not by way of limitation, materials that are flammable, explosive, caustic, acidic, toxic, whether liquid, solid or gas, capable of causing obstructions of the flow in the sewers; damage or hazard to structures, equipment processes or personnel of the District's collection and treatment works, or which would cause an upset event or any violation of the District's discharge permit or any other state, federal or local water quality requirement.

3.8.3 Infiltration of ground water caused by leaking sanitary sewer service line shall not be allowed. Lines contributing more than 0.07 gal/hour/100 linear feet of service shall be considered to be leaking.

3.8.4 No person shall discharge or cause to be discharged any water bleeding flows, storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

3.8.5 No person shall maliciously, willfully, intentionally or negligently break, damage, destroy, uncover, deface or tamper with any portion of the District's collection system. Violations will be referred to the District Attorney for prosecution to the fullest extent of the law.

3.8.6 No person shall construct or cause to be constructed any appurtenance to a building sewer below the level of the 100-year flood plain.

3.8.7 Any person notified by the District of any violation of the provisions of this section shall have the violation corrected, repaired or ceased within forty-eight (48) hours of said notification, or in a time frame specified by the District. If satisfactory progress toward correction of the violation has not been made by the time specified, the District shall have the authority to correct the violation or disconnect service to the property at the owner's expense. Reimbursement to the District of said costs shall be made pursuant to the Rules and Regulations.

3.8.8 Any person who shall violate the provisions of this Section 3.8 may be charged under the criminal laws of the State of Colorado and, upon conviction, shall be fined in an amount as established by the Court for such violation and/or shall be assessed a fee by the District in the amount of actual costs, but not less than \$500.00.

ARTICLE IV

PENALTIES AND SEVERANCE

4.1 LIABILITY. Any person violating any of the provisions of these Rules and Regulations or whose acts cause the District to violate the term of its discharge permit or any other water pollution control regulation or statute, shall become liable to the Board of Directors of the District for any and all expenses, including attorney's fees, losses, damages and fines occasioned by reason of such violation.

4.2 VIOLATIONS. Any person found to be violating any of the provisions of these Rules and Regulations with the exception of the provisions of Section 3.8, shall be served with written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for satisfactory correction of the violation. Any person who shall continue any violation beyond the time limit provided in said notice shall be charged under the appropriate laws of the State of Colorado and upon conviction thereof shall be fined an amount established by the Court of the State of Colorado for each violation.

4.3 DISCONNECTION. In addition to and notwithstanding any other provisions of these Rules and Regulations, the District may, at its option, disconnect the sewer line from any property owned by any person violating any of the provisions of these Rules and Regulations or for not paying scheduled charges for service from the District. The cost of the disconnection and severance from the sewer system shall be charged against the property formerly served by the District and until paid shall constitute a perpetual lien which shall be collected in the same manner as provided herein for the collection of rates, tolls, fees, penalties and charges, or as otherwise provided by law.

ARTICLE V

EFFECTIVE DATE

These Rules and Regulations of the Kremmling Sanitation District affect the health, safety and general welfare of the inhabitants of the District; therefore, the provisions hereof shall have full force and effect upon the date of their adoption by a quorum of the Board of Directors.

ADOPTED this 11th day of September, 2000 by the Board of Directors of the Kremmling Sanitation District.

AS AMENDED THROUGH 7-11-16.