



RULES AND REGULATIONS PERTAINING TO

WATER AND SANITATION FUNCTIONS

OF THE

CRESTED BUTTE SOUTH METROPOLITAN DISTRICT

GUNNISON COUNTY, COLORADO

REVISED IN DECEMBER 2024

These Rules and Regulations are subject to change at any time without notice, by action of the Board of Directors of the Crested Butte South Metropolitan District.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

SECTION

1. INTRODUCTION AND EXPLANATORY MATERIALS
2. OWNERSHIP AND OPERATION OF FACILITIES
3. GENERAL PROVISIONS
4. USE OF WATER AND SANITATION SYSTEM
5. CONSTRUCTION OF FACILITIES

APPENDIX A - SCHEDULE OF RATES AND CHARGES

APPENDIX B - BUILDERS REQUIREMENTS

APPENDIX C - TAP FEE APPLICATION PERMIT

APPENDIX D - WATER METER REGULATION

APPENDIX E - RESTRICT IRRIGATION WATER USAGE

APPENDIX F – BACKFLOW PREVENTION POLICY

APPENDIX G - RESTRICTIVE COVENANT PROHIBITING SEPARATE SALES
OF SECOND RESIDENTIAL DWELLING UNIT

APPENDIX H - PRETREATMENT PROGRAM REGULATIONS

APPENDIX I – CONSTRUCTION OF UTILITIES WITHIN ROAD RIGHT OF WAY

APPENDIX J – POLICY FOR CONSTRUCTION SITE GUIDELINES

SECTION

TABLE OF CONTENTS #1

1. Introduction - Explanatory Material
 - 1.1 Scope
 - 1.2 Policy and Purpose
 - 1.3 Definitions
2. Ownership and Operation of Facilities
 - 2.1 Policy
 - 2.2 Liability
 - 2.3 Ownership
 - 2.4 Powers and Authority of Agents
 - 2.5 General Operations
 - 2.6 Responsibilities of the District Manager
 - 2.7 Responsibilities of District Financial Manager
3. General Provisions
 - 3.1 Inclusions
 - 3.2 Application for Service
 - 3.3 Denial of Application
 - 3.4 Cancellation of Application and Refund of Fee
 - 3.5 No Service Outside of District
 - 3.6 Change in Customer's Equipment or Service
 - 3.7 Customer Responsibility for Service Lines
 - 3.8 Protection from Damage
 - 3.9 Discontinuation of Service
 - 3.10 Resumption of Service
 - 3.11 Unauthorized Turn-On
 - 3.12 Unauthorized Connection Fee
 - 3.13 Revocation of Service
 - 3.14 Liability for Payment
 - 3.15 Vendor and Vendee's Responsibility
 - 3.16 Metered Service
 - 3.17 Rates and Charges
 - 3.18 Billing Procedures
4. Use of Water and Sanitation System
 - 4.1 Authorization Required
 - 4.2 Customer Responsibilities for Water Facilities
 - 4.3 Classification of Wastes

SECTION

TABLE OF CONTENTS #2
(Continued)

- 4.4 Customer Responsibilities for Sanitation Facilities
- 4.5 Water Conserving Fixtures Required
- 5. Construction of Facilities
 - 5.1 Contractors' and Plumbers' Requirements
 - 5.2 Authority to Make Taps
 - 5.3 Number of Lines Required
 - 5.4 Inspection Fees and Charges
 - 5.5 District Authorization Not Transferable
 - 5.6 Revocation of Authorization
 - 5.7 Existing Lines
 - 5.8 Excavations
 - 5.9 Water Service Lines
 - 5.10 Sewer Service Line
 - 5.11 Authority for Extensions
 - 5.12 Notification for Inspections
 - 5.13 Special Structures
 - 5.14 Size of Mains

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

SECTION

1. INTRODUCTION - EXPLANATORY MATERIAL

- 1.1. Scope. This regulation shall be treated and considered as a new and comprehensive regulation, governing the operations and functions of the Crested Butte South Metropolitan District and shall supersede previous regulations of the District, which are in conflict with the provisions hereof.
- 1.2. Policy and Purpose. It is hereby declared that the Rules and Regulations hereinafter set forth will serve a public use and are necessary to insure and protect the health, safety, prosperity, security, and general welfare of the inhabitants of the Crested Butte South Metropolitan District.
- 1.3. Definitions. Unless the context physically indicates otherwise, the meaning of terms used herein shall be as follows:
 - 1.3.1. "Actual Cost" shall mean all direct costs applicable to the construction of a given water or sewer line, including, but not limited to, construction, engineering, inspection, plan approval fees, etc., which have been paid by the line constructor.
 - 1.3.2. "Board" and "Board of Directors" shall mean the governing body of the Crested Butte South Metropolitan District.
 - 1.3.3. "Commercial" shall mean a use of real property which is primarily restricted business and professional endeavors including, but not limited to, retail shops, offices, short term rental of lodging accommodations, restaurants, bars, and recreational businesses, but excluding the conduct of municipal, quasi-municipal and other governmental entities.
 - 1.3.4. "Contractor" shall mean any person, firm or corporation approved by the District to perform work and to furnish materials therefore within the District, or licensed by the State of Colorado.
 - 1.3.5. "Constructor" shall mean any person, corporation, partnership, association, public entity, or firm desiring to construct an extension of or to the District's water distribution or sewage system.
 - 1.3.6. "Customer" shall mean any person, company, corporation, or public entity, authority or agency authorized to use water, or connect to a water main or connect to a sewage facility under a permit issued by the Board of Directors.
 - 1.3.7. "Deleterious Wastes" shall mean any wastes contained in special sewage that would be harmful to the District's sewer mains or to the sewage treatment works.
 - 1.3.8. "Developer" shall mean any person who owns land and/or is subdividing land for resale and seeks to have the land served by the District.
 - 1.3.9. "District" shall mean the Crested Butte South Metropolitan District.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- 1.3.10. "Inspector" shall mean the person or persons duly authorized by the District to enforce these Rules and Regulations.
- 1.3.11. "Lateral Line" shall mean a Sewer Main which connects to the existing District trunk system; used to deliver sewage to trunk or outfall lines.
- 1.3.12. "Licensed Plumber" or "Pipe Layer" shall mean a person who has been approved to work in the District, or licensed by the State of Colorado.
- 1.3.13. "Domestic Sewage" shall mean any sewage which can be treated in the District's sanitary sewerage system without pretreatment and within normal operating procedures.
- 1.3.14. "Non-commercial" shall mean a use of real property which is primarily restricted to full-time residential purposes by ownership or upon a long term rental basis and which is not a "Commercial" use as defined herein
- 1.3.15. "Oversized Transmission Lines" are transmission lines which are greater than eight inches (8") in diameter, and are sized and installed with the contemplated purpose of serving more users than those contemplated by the constructor of the lines. An example would be the use of the line to serve future users beyond the development of the constructor of the line. Such lines will be installed at the request of the District.
- 1.3.16. "Permit" shall mean written permission of the Board of Directors to connect to a water or sewer installation of the District pursuant to the Rules and Regulations of the District.
- 1.3.17. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- 1.3.18. "Pretreatment Facilities" shall mean structures, devices, or equipment for the purpose of removing deleterious wastes from industrial sewage generated into the District sewer mains.
- 1.3.19. "Prohibited Sewage" shall mean any sewage which would be harmful or damaging to the District's sanitary sewerage system, the District's staff or other persons, and for any of these reasons, cannot be serviced, under any conditions, by the District.
- 1.3.20. "Public Entity" shall be the state, county, city and county, incorporated city or town, school district, special improvement district, agency, instrumentality, or political subdivision of the state organized pursuant to law.
- 1.3.21. "Sampling" shall mean the periodic collection of water and sewage samples for analysis.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- 1.3.22. "Sanitary Sewerage System" shall mean all facilities owned by the District and used for collecting, pumping, treating and disposition of sewage.
- 1.3.23. "Service Line" when in reference to water service, shall mean the pipe, line or conduit and appurtenances such as a corporation valve or the like used to conduct water from the main to individual house or other structure; when in reference to sewer service, "Service Line" shall mean the pipe, system of piping and appurtenances used as a conduit for sewage from a structure used for residential, commercial or industrial purposes to a connection with the sewer main.
- 1.3.24. "Sewage" shall mean any organic or inorganic material in suspension or solution originating from within residential, commercial, or industrial buildings.
- 1.3.25. "Sewage Treatment Works" shall mean those devices, facilities, or locations to which the District sewage is conveyed by sewer mains for the purpose of reducing the pollution content and from which point it leaves the District's sewer facilities.
- 1.3.26. "Sewer Main" shall mean any pipe, system of piping appurtenances used as a conduit for sewage, owned by the District.
- 1.3.27. "Industrial Sewage" shall mean any sewage which does not conform to the definitions for Domestic Sewage, but which can be treated at the District's sewage treatment works after sufficient pre-treatment.
- 1.3.28. "Special Structures" shall mean installations and equipment such as pumping stations, diversion facilities and the like, which may require special engineering attention and extraordinary maintenance considerations.
- 1.3.29. "Stub-out" shall mean the connection of the service line to the water or sewer main.
- 1.3.30. "District Manager" shall mean the manager of the District, or in his absence, his duly authorized assistant.
- 1.3.31. "Tap" or "Connection" shall mean the connection of the service line to the structure which it is to serve.
- 1.3.32. "Tap Fee" shall mean the payment to the District of a fee for the privilege of having water or sewer service available to customers.
- 1.3.33. "Testing" shall mean the analysis of samples of water and sewage.
- 1.3.34. "Unit" shall mean one parcel of real property used as a living unit in single or joint ownership including apartments/caretaker facilities.
- 1.3.35. "User" shall mean any person to whom water or sewer service is served, be it renter, record owner, corporation, company, individual, public entity, etc.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

1.3.36. "Vendor" shall mean any seller of water other than the District.

1.3.37. "Vendee" shall mean a purchaser of water from a vendor.

1.3.38. "Water Main" shall mean any water pipe, line, or portion thereof, owned by the District.

1.3.39. "Water Tap" shall mean the act of connecting a service line to the water main.

1.3.40. ANY OTHER TERM not herein defined shall be defined as present in the "Glossary – Water and Sewage Control Engineering" A.P.H.A., A.W.W.A., A.S.C.E., and F.W.S.A., latest editions.

SECTION

2. OWNERSHIP AND OPERATION OF FACILITIES

2.1. Policy. This District is responsible for the operation and maintenance of the water and sewage collection systems and treatment works in a sound and economical manner, in accordance with these Rules and Regulations; it shall not be liable or responsible for inadequate treatment of said water or sewage or interruption of service brought about by circumstances beyond its control. The District is responsible for the distribution of water for domestic use to customers within the District, and the maintenance, repair and replacement of all mains, hydrants, valves, and service facilities owned by the District, but shall not be liable or responsible for inadequate pressure or interruption of service brought about by circumstance beyond its control.

2.2. Liability. It is expressly stipulated that no claim for damage shall be made against the District by reason of the following: Blockage in the system causing the backup of effluent; damage caused by "smoking" of lines to determine drainage connections to District lines; breakage of service mains by District personnel; or for interruption of sewer service and the conditions resulting therefrom where said interruption of service is brought about by request of claimant, or by circumstances beyond the District's control; provided further that no claim shall be made against the District by reason of the breaking of any service or supply line, pipe, cock, or meter by any employee of the District; failure of the water supply; shutting off or turning on water in the water mains; the making of connections or extensions; damage caused by water running or escaping from open or defective faucets; burst service pipes or other facilities not owned by the District; damage to water heaters, boilers, or other appliances resulting from shutting water off, or for turning it on, or from inadequate or sporadic pressures; or for doing anything to the water system of the District deemed necessary by the Board of Directors or its agents. The District hereby reserves the right to cut off the water supply at any time, for any reason deemed appropriate.

2.2.1. Notwithstanding the above liability provisions, all liability actions concerning the District shall be in conformance with C.R.S. 24-10-101, et. seq. commonly called the Colorado Governmental Immunity Act.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- 2.3. Ownership. All existing and future sewer and water mains and sewer and water treatment facilities connected with and forming an integral part of the District's public water and sanitary sewage system shall become and are the property of the District. Said ownership is and will remain valid whether said water and sewer facilities and installations are constructed, financed, paid for, or otherwise acquired by the District, or by other persons. The District shall not be liable for maintenance and repairs of such mains for a period of one year following acceptance by the District; said costs of maintenance and repair to be borne by the constructor or developer as the case may be.

That portion of all existing or future sewer and water service lines extending from the sewer or water main to each unit or building for each customer, connected with and forming an integral part of the District's public water and sanitary sewage system, shall become and are the property of the customer, and the cost of maintenance of such service lines shall be borne by the customer.

- 2.4. Powers and Authority of Agents. The District Manager, and other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of these Rules and Regulations.
- 2.5. General Operations. District will adopt and update current personnel policies and procedures and a salary and benefit schedule for District personnel, laying out, in sufficient detail, the rights and obligations of District personnel and providing for an organized system of personnel administration.

The District Board shall require from its personnel periodic formal reports expressing in sufficient detail the operational status of the District.

- 2.6. Responsibilities of District Manager. The District Manager shall be responsible for the proper administration of the routine affairs of the District regarding the operation and maintenance of the District's water and sewer facilities, the supervision of District employees, and the administration and enforcement of these Rules and Regulations.

In furtherance of and pursuant to the duties and responsibilities specified hereunder, the District Manager shall:

- 2.6.1. Render monthly reports to the Board concerning the operational status of District facilities.
- 2.6.2. Make recommendations to the Board designed to increase the efficiency of District operations.
- 2.6.3. Make recommendations as to necessary hiring, transfer, or termination of District employees.
- 2.6.4. Attend all Board meetings and render such advice to the Board as is requested by the Board or reasonably necessary to facilitate the proper functioning of the Board.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- 2.7. Responsibilities of District Office Manager. The District Office Manager shall be responsible for keeping the District financial records, preparation of the monthly operations report, preparation of the annual budget, transmittal of the annual audit report, preparation and transmittal of District billings, presentation of invoices for approval for payment, and such other matters as required by law or the Board of the District. The District Office Manager shall also advise the District Manager and the Board of any delinquencies in payment of District obligations.

In furtherance of and pursuant to the duties and responsibilities specified hereunder, the District Office Manager shall:

- 2.7.1. Attend Board meetings at the Board's request and render such advice to the Board as is requested or reasonably necessary to facilitate the proper management of the District's financial affairs.
- 2.7.2. Make recommendations to the Board designed to improve or render more efficient the financial status of the District.

SECTION

3. GENERAL PROVISIONS

- 3.1. Inclusions. Service will be furnished only to persons whose property is included in the District, or who have negotiated a service agreement, and who agree to abide by these Rules and Regulations and the service rates and charges of the District.
- 3.2. Application for Service. Application for service must be filed with the District, on the District's standard form, and be accompanied by appropriate fees prior to action by the Board. The District Manager is authorized by the Board of Directors to approve applications for service.
- 3.3. Denial of Application. The District reserves the right to deny an application for service on any of the following grounds:
- 3.3.1. That connection of the system to applicant's existing plumbing would constitute a cross-connection to an unsafe water supply; or
- 3.3.2. That the service applied for would create an excessive seasonal, or other, demand on the facilities; or
- 3.3.3. For misrepresentations in the application concerning the property, square footage, and/or fixtures contained therein, or as to the use of District service; or
- 3.3.4. An unresolved obligation between the District and the applicant; or
- 3.3.5. Inadequate easements for District facilities, or

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- 3.3.6. Such other valid reasons as determined in the sole discretion of the District.
- 3.4. Cancellation of Application and Refund of Fee. The District reserves the right to revoke any application previously granted before service has been provided. Application for sewer service does not bind the applicant to "use the service". Such applications shall be retained by the District, and all fees deposited in its general fund. If after a period of twelve (12) months the applicant has not requested service, the Board, at its discretion, may cancel the application and refund fees paid without interest.
- 3.5. No Service Outside of District. No water and sanitation services can be furnished to property outside of the District unless the Board negotiates a service agreement.
- 3.6. Change in Customer's Equipment or Service. No change in the customer's equipment or service shall be made without the prior approval of the District being first obtained. Any change in a customer's equipment or service which increases the service provided by the District, shall require a redetermination of the tap fee, monthly service charge and payment of any additional tap fee and service charge so determined. The predetermined tap fee shall allow a credit for previously paid tap fees. Changes in a customer's equipment or service which result in a decrease in the service provided by the District, shall not result in a reduction or refund of tap fees. When buildings are moved or destroyed, the tap authorization is terminated, unless immediate steps are taken to replace the structure; failure to begin construction within one (1) year shall be deemed an abandonment of the tap authorization previously granted.
- 3.7. Customer Responsibility for Service Lines. Each customer shall be responsible for maintaining the entire length of his service lines. Leaks or breaks in the service lines shall be repaired by the property owner within 72 hours of their discovery. If satisfactory progress toward repairing the leak or break has not been accomplished within the said 72 hour period, the Inspector shall either shut off the service until the leaks or breaks have been repaired or will cause such damage to be repaired and bill the said costs to the property owner. The cost of repair shall become a lien upon the property affected and may be foreclosed according to law.
- 3.8. Protection from Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, equipment or appurtenance which is part of the District's water or sanitary sewer system, including fire hydrants. Any person violating this section is subject to criminal prosecution pursuant to state law and upon conviction shall be subject to fines and/or imprisonment as established by the court for each violation.
- 3.8.1. Any person violating any of the provisions of these Rules and Regulations shall become liable to the Board for any expense, loss or damage occasioned by reason of such violation.
- 3.9. Discontinuation of Service. The customer may have service discontinued by submitting a written request accompanied by a \$50.00 "turn-off" fee to the District. If service is discontinued due to delinquency, a \$50.00 "turn-off" fee will be assessed against the delinquent party. Once service is discontinued, either voluntarily or due to delinquency, a "turn-on" fee rate will be assessed pursuant to Section 3.10

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- 3.10. Resumption of Service. A customer may have service restored by submitting request in writing to the District accompanied by a "turn-on" fee equal to one-fourth (1/4) the current tap fee rate for the service requested or Five Hundred Dollars (\$500.00), whichever shall be greater. If service was turned off due to delinquency, all arrearages, including interest and penalties, must be paid in addition to paying one-fourth (1/4) the current tap fee rate.
- 3.11. Unauthorized Turn-On. It shall be unlawful for any unauthorized person to turn on water service or restore sewer service without prior approval of the District. In addition to criminal penalties, the District shall assess a penalty of \$1,000.00 against the person responsible for violation of this section and/or the owner of the property benefited by such unauthorized activity.
- 3.12. Unauthorized Connection Fee. An unauthorized connection fee equal to 2 times the normal tap fee due shall be payable by persons tapping onto the District's facilities without prior payment of connection fees, approval of application, or adequate inspection of lines.
- 3.13. Revocation of Service. Water and sanitation services shall be revocable by the District for any violation of these Rules and Regulations or upon non-payment of valid fees and charges owing to the District. In the event of a violation of these Rules and Regulations, (including non-payment of fees), the customer shall be given 10 days' notice of a hearing to revoke service by registered or certified mail. Service of said notice shall be deemed complete upon mailing to the last known address of the customers. Said hearing shall be held by the District at a regular or special meeting of the Board of Directors, at which time the customer shall have the opportunity to present testimony in evidence to the Board. Following said hearing the Board's decision shall be final, and service to the property shall be revoked by blocking or disconnecting the appropriate lines, either public or private, serving the property.
- 3.14. Liability for Payment. The property, the property owner, and the occupant are hereby deemed equally liable for charges of the District. The District assumes no responsibility hereby for any agreements made between landlords and tenants, regardless of how made, or of the District having been notified of such agreements. The District will hold the user, occupant, and property owner jointly liable for all charges appurtenant to water or sewer service at the address where the bills are sent.
- 3.14.1. When a condominium association exists for a number of units receiving service from the District, said condominium association shall receive invoices for service to all units serviced by the association. In no instances shall the District bill individual owners within a condominium association; provided, however, that the failure or refusal of the condominium association to pay District charges shall not relieve the owner of the responsibility to pay the District notwithstanding the fact that he has paid the condominium association.
- 3.14.2. Duplexes that do not form an association will be billed as two separate accounts making the owner/tenant for each side responsible for fees owed to the District unless the District deems it necessary to have one service account.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- 3.15. Vendor and Vendee's Responsibility. The District assumes no responsibility for agreements between grantors and grantees. It shall be the responsibility of the grantee to ascertain whether tap charges have been paid by the grantor. Regardless of ownership, or of failure of the District to collect tap charges at the time of the issuance of permits, or any other act or omission of the District, unpaid tap charges shall constitute a first and perpetual lien which may be foreclosed as is provided by law.
- 3.16. Metered Service. Water service shall be metered by the District. Meters and valves must be purchased from the District. All structures that are not currently on metered service shall have meters installed on or before January 1, 2025. Any location that does not have a water meter installed prior to January 1st, 2025 will be billed at double the current base rate for water until the service is in compliance with these regulations.
- 3.17. Rates and Charges. Water and sanitation service schedule of rates and charges is attached as Exhibit "A" to these Rules and Regulations.

District rates and charges for its services may be changed from time to time without notice, and the responsibility for remaining informed is with the customer.

- 3.18. Billing Procedures. Statements for the water and sanitation service charges shall be rendered on a monthly basis for non-commercial and commercial users. Availability fees are charged per month, per lot billed quarterly. Charges for delinquent payments, interest, turn-on, turn-off, penalties, etc., shall be added to the statement
- 3.18.1. Payments can be mailed in, or dropped at the District Office, there is a payment drop slot at the District Office front door. Also available is an on-line bill pay system with Xpress Bill Pay, www.xpressbillpay.com.
- 3.18.2. Water meters are read by radio read around the 25th of each month. Utility bills are then prepared and distributed at the end of each month for the previous months' usage.
- 3.18.3. Payment is due on the 15th of the month. We do **not** accept postmarks due to our remote location. Payment must be received at the office by the due date.
- 3.18.4. Quarterly bills for the Availability fees are mailed in advance of the quarter in March, June, September and December. Payment is due on the 15th of the next month.
- 3.18.5. Payment not received by the 15th of the month for all billings, a penalty is charged at 1% of the balance due.
- 3.18.6. Water and sanitation service shall be revocable by the District upon non-payment of valid fees owing the District. In the event that a customer should disagree with a District billing statement, he may pay the District statement under protest and request a hearing at a regular or special meeting of the Board to dispute the amount billed. At the hearing the customer may present evidence to the Board. The Board shall issue a final

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

decision within ten (10) days of the hearing. Failure to act within the ten (10) day period shall be treated as a finding in favor of the customer.

3.18.7. It shall be deemed adequate notice of delinquency that the customer was mailed his billing statement in a timely manner and the payment due date of the 15th had elapsed next following the statement date without receipt of payment by the District.

3.18.8. Until paid, all rates, fees and charges shall constitute a first and perpetual lien against the property served, and any such lien may be foreclosed in a manner provided by law.

SECTION

4. USE OF WATER AND SANITATION SYSTEM

4.1. Authorization Required. No unauthorized person shall uncover, make any connection with any opening into, use of, alteration to, or disturb any District water or sewer main or appurtenances without first obtaining written permission to do so from the District or its duly authorized representative. No permit shall issue to any person until the District has received payment of all tap-on fees and charges. Failure to obtain written authority from the District is unlawful and is punishable according to law.

4.2. Customer Responsibilities for Water Facilities. The customer is responsible for the maintenance of his water service lines and appurtenances thereto. It shall be the duty of all those connected with the District water to keep advised of varying pressures and conditions of service so as to properly protect their persons and property from injury by water furnished through the District's facilities. They shall also take note that there is no wasteway in the shut off at the curb box, nor at the main, and that any water standing in the pipes when water is turned off at the meter shut off or main will remain there unless drained out by means of a stop or waste valve. All persons having boilers or other appliances on their premises depending on pressure of water in pipes, or on a continual supply of water, for proper functioning, shall provide, at their own expense, suitable safety appliances to protect themselves and their property against a stoppage of water supply or loss of pressure.

4.3. Classification of Wastes. This section of the Rules and Regulations shall provide the basic policies of the District for classification of wastes and for control of discharge of wastes into the sanitary sewerage system. It shall be the policy of the District to classify wastes into three main categories, termed "Normal Sewage", "Special Sewage" and "Prohibited Sewage", which are generally defined in Section 1.3 and which will be more fully defined in this section. The classification of wastes shall be the responsibility of the Manager and shall follow recommended procedures of the State Board of Health, and, subject to approval of the Board, shall be final and binding.

4.3.1. Domestic Sewage. Domestic sewage shall mean any sewage which can be treated at the District's sewer treatment plant without pretreatment and within normal operating procedures, and which, when analyzed, shows by weight a daily average of not more

than 300 parts per million of suspended solids and not more than 275 parts per million B.O.D.

- 4.3.2. Industrial Sewage. Industrial sewage shall mean any sewage which does not conform to the definition for domestic sewage, but which can be treated by the District after pretreatment by the user or by utilization of special operating procedures by the District at its treatment facility.
- 4.3.3. Prohibited Sewage. Prohibited sewage shall mean any sewage which may reasonably be anticipated to have a deleterious effect upon the sanitary sewerage system, or any persons or property, and, therefore, in the opinion of the District, cannot be serviced by the District. Prohibited sewage shall include clear water injected into the sewage system by means of a drainage collection system. Said drainage water is detrimental to the sewage system since it interfered with the District's volume capacity and with the biological process necessary to proper treatment.
- 4.3.4. Analyses of Sewage. The Manager shall be responsible for all sampling, testing, analyses and classifying of sewage Testing; and analyses shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater" latest edition. Results of tests shall be made available to the user at the District's office.

4.4. Customer Responsibilities for Sanitation Facilities.

- 4.4.1. No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer. No public or private swimming pool shall be connected with the sanitary sewer system.
- 4.4.2. No person shall discharge, or cause to be discharged, to any sewer main, any industrial or prohibited sewage or any harmful waters or wastes, whether liquid, solid, or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.
- 4.4.3. The admission into the public sewers of any industrial sewage shall be subject to the review and approval of the Board, which may prescribe limits on the strength and character of such sewage. Where necessary, in the opinion of the Board, the owner shall provide, at his expense, such pretreatment facilities as may be necessary to treat such industrial sewage prior to discharge to the sewer main. Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the District and of the State Board of Health, and no construction of such facilities shall be commenced until such approval is obtained in writing. Where pretreatment facilities are provided for any special sewage, they shall be maintained continuously in satisfactory and effective operation by the owner, at his own expense.

- 4.4.4. When required by the District, the owner of any property served by a service line carrying industrial sewage shall install and maintain at this expense, a suitable control manhole in the service line to facilitate observation, sampling, and measurement of the wastes.

The manhole shall be installed by the customer and maintained at his expense. All measurements, tests, and analyses of the characteristics of water and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole, or upon suitable samples taken at such control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest down-stream manhole in the sewer main to the point at which the service line is connected. Grease, oil and sand interceptors of a design recommended by the Crested Butte South Metro District shall be required by the District for the proper handling of sewage or liquid wastes containing grease in excessive amount, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units unless floor drains are installed in a garage. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times. Refer to Appendix H.

- 4.5. Water Conserving Fixtures Required. Prior to the connection of any new service, the customer shall be required to install, at the customer's expense, water conserving toilets such as the Kohler, Wellworth water guard, or the Crane Radcliffe water economy water closets, or such other water conserving water closets as are acceptable to the District Manager. The customer shall also provide showerheads and faucets which are designed to conserve water by regulation of water flow.

SECTION

5. CONSTRUCTION OF FACILITIES

5.1. Contractors' and Plumbers' Requirements.

- 5.1.1. Construction of all service lines shall be done in accordance with the Technical Plumbing Code of the State of Colorado.
- 5.1.2. All main line construction or work performed on District facilities shall be done only by persons authorized by the District.
- 5.1.3. The contractor shall file with the Board a letter from the County Commissioners, authorizing him to work in the County streets and roads.
- 5.1.4. Workmen's Compensation insurance shall be carried in accordance with the provisions of the Workmen's Compensation Act, as amended, of the State of Colorado.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- 5.1.5. All contractors, plumbers and others doing work on any water main, service lines, or structures in the District, shall comply with the applicable regulations on excavation, backfill, compaction and restoration of surfacing.
- 5.1.6. All excavations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other private or public property disturbed in the course of the work shall be restored in a manner satisfactory to the District and the County.
- 5.1.7. Insurance shall be carried in favor of the Board in the amount of \$100,000/\$300,000 personal liability, and \$50,000 property damage. Certificates of insurance shall be filed with the Board prior to issuance of authorization.
- 5.1.8. All permits, fees and licenses shall be paid for by the contractor, plumber, or others doing work in the District, prior to the start of construction.
- 5.2. Authority to Make Taps. The Manager of the District is authorized to make or supervise taps onto the District mains. The District Manager may authorize in writing the tapping of a District main. No person, other than the District Manager, may make a tap to a District main without prior written authorization by the District Manager.
 - 5.2.1. Constructors of service lines shall call the District Manager for an open ditch inspection of all service lines. If said inspection is not made within twenty-four (24) hours of the call, construction may proceed without further notice. Failure to request an inspection subjects the constructor to any applicable sanctions prescribed in these Rules and Regulations; provided, however, that the call for inspection is during regular business hours and such required inspection may be made during business hours (8:00 o'clock a.m. to 4:30 o'clock p.m., Monday through Thursday, excluding holidays) within said 24 hour period.
- 5.3. Number of Lines Required. A separate and independent service line for both water and sewer service shall be provided for every building.
 - 5.3.1. Each commercial structure having more than one commercial unit shall supply a separate meter and shut-off valve for each commercial unit receiving water service.
- 5.4. Inspection Fees and Charges. There shall be no inspection charges for inspections made by the District Manager or authorized District personnel. All inspection charges required by the County or State shall be paid by the contractor, plumber, or others doing work on or to be connected to District water or sanitation facilities.
- 5.5. District Authorization Not Transferable. No person authorized by the District to perform work within the District may permit his authorization to be used by persons not so authorized. However, plumbing work contracted for by an approved licensed plumber may be performed by him through journeymen plumbers or apprentices, under his direct supervision. Work performed

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

through journeymen plumbers or apprentices shall not relieve the licensed plumber from any responsibility.

- 5.6. Revocation of Authorization. The violation of any of these Rules and Regulations, or the District's installation specifications, shall constitute sufficient ground for revocation of the authorization of the person found guilty of any such violation.
- 5.7. Existing Lines. Existing service lines may be used in connection with new buildings only when found, on examination by the Manager, to meet all the requirements of these Rules and Regulations.
- 5.8. Excavations. All excavations required for the installation of lines shall be open-trench work, unless otherwise approved by the Manager. Pipe laying and backfill shall be performed in accordance with the Board's standard specifications. No excavations shall remain open for more than forty-eight (48) hours.
- 5.9. Water Service Line. The water service shall be brought to the building at an elevation of seven (7) feet of cover. No service shall be laid parallel to, or within three (3) feet of any bearing wall which might be thereby weakened. The water service shall be laid at uniform grade, and in straight alignment.
- 5.10. Sewer Service Line. Sewer pipe materials shall be of a type specified or approved by the District Manager. The line shall be water-tight, and on a constant grade, in a straight line; and not closer than three (3) feet from any bearing wall.
 - 5.10.1. Excavation and construction of service lines shall conform to the standard specifications of the District.
 - 5.10.2. The connection of the service line to the sewer main shall be made as follows: If the sewer main is twelve inches (12") in diameter, or less, the District shall, at owner's expense, install a saddle on up to twelve inch (12") branches in the sewer main. Where the sewer main is greater than twelve inches (12") in diameter, a neat hole may be cut into the sewer main, with entry in the downstream direction at an angle of forty-five (45) degrees. For every connection, saddle, and all, shall be completely encased in 3000 psi concrete. All connections shall be above the spring line.
- 5.11. Authority for Extensions. It shall be unlawful for any person to construct a water or sewer main within the jurisdiction of the Board without first making formal application to the Board for approval, having complied with these Rules and Regulations, and having obtained the Board's authorization to proceed.
- 5.12. Notification for Inspections. It shall be the responsibility of the contractor or plumber to notify the Manager when his project is ready for any required inspection. Failure in making such notification shall be a violation of these Rules and Regulations and will subject the violator to uncovering the facilities for inspection and revocation of District authorization.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- 5.12.1. Upon timely notification, the Manager or other District employee authorized to make inspections shall promptly make the necessary inspection. If the Manager has not made such inspection within twenty-four (24) hours next following proper notification, the contractor may proceed as if the Manager had approved the facility.
- 5.13. Special Structures. Special structures such as pumping stations, etc., required to ensure proper operation of the District facilities, shall be constructed from designs of the Board's engineers or such other engineers as may be approved by the Board.
- 5.14. Size of Mains. The District shall determine the size of main required to serve any area within the boundaries of the District.

APPENDIX A

CRESTED BUTTE SOUTH METROPOLITAN DISTRICT

RATE SCHEDULE

Disclaimer: While many types of construction classifications are outlined in this document, the District reserves the right to deviate from or account for tap fee types that are not specifically called out due to the nature of what may be constructed. The District will focus on the impacts to the water and sewer system and may relate tap fees based on other contents of this document in order to establish a fair tap fee when the need to deviate from the existing tap fee structure arises. Official tap fees will only be calculated using stamped plans approved by the appropriate association.

- I.** Issuance of Permit. If the application discloses that all work to be performed under the permit will be in full compliance with all statutes, laws, resolutions and upon proof that the work to be performed has been approved by the Crested Butte South Property Owner's Association, the District shall issue the permit upon payment of all fees and charges required by this schedule.
- II.** Tap Privilege Fee.
- A. A tap privilege fee must be paid prior to the issuance of the permit required above, prior to the commencement of the construction, prior to installation or expansion of use of a service line, and prior to connecting any service line to the District system.
- B. The tap privilege fee for each EQR shall be \$9,100 for water and \$10,900 for sewer totaling \$20,000, for one water and one sewer connection.
- C. Any Expansion or change in use of, or addition to, a building, structure, or piece of property already connected to a District system, which raises the EQR of that user, shall result in the obligation to pay an incremental system development fee, to be computed as follows:
- Incremental system development fee = {(EQR) new – (EQR) old} times
\$20,000.00 for each District system connection.
- III.** System Connection Fee. A system connection fee must be paid prior to the issuance of the permit required above, prior to the commencement of construction or installation of a service line, and prior to connecting any service line to a District system. The system connection fee shall be \$100.00 for water and \$100.00 for sewer. A \$500 connection fee will be charged when T's are cut into a water or sewer main to supply larger structures and is to include fire flow cut-ins. The system connection fee shall only be charged when a service line is connected to a District system.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

IV. Road Maintenance Fee. A road maintenance fee will be charged at a rate of \$10.00 per month for every “UNIT” as defined in section 1.3.34. Commercial properties would be billed monthly at the rate of \$20.00 per EQR or part thereof. A fee of \$5.00 per month, billed quarterly, will be charged to vacant lot owners within the District that use District roads.

V. Service Rates. There is hereby levied and charged against all “owners,” as that term has been previously defined, a monthly service charge for the use of the District system. The monthly service charge for use of the District system – Water consumption is metered and billed per 1,000 gallons of usage. The monthly service charge for use of the District system – Sewer shall be \$45.88 times the respective EQR for each use. Monthly service charges shall commence when the water is turned on by the District from the date of the tap application, but not to exceed two years. Monthly service charges shall commence immediately after project is complete for any additions or remodels where water is already turned on. Including but not limited to, Caretaker/Rental Units in Single Family Residential Units including Detached Garage Units. Owner must notify District immediately after completion.

Base User Fees

Water Base Rate	\$45.19
Sewer Per EQR	\$45.88
Road (Flat Fee)	\$10.00
<u>Total Base Monthly</u>	<u>\$101.07</u>

Water User Fees

Water consumption is metered and billed per 1,000 gallons of usage

- Water Base Rate \$45.19 up to 6,000 gallons of water
 - Tier 2: 6,001 gallons – 24,000 gallons = \$3 per 1,000 gallons
 - Tier 3: 24,001 gallons – 40,000 gallons = \$6 per 1,000 gallons
 - Tier 4: 40,001 gallons and more = \$12 per 1,000 gallons
- Bulk Station Fill Rate is \$25.00 per 1,000 gallons

User fees are charged per month billed monthly. User fees commence when services are turned on by the District, but not to exceed two years from the date of the tap application. Road fee is \$10.00 charged per month per unit. Apartments/caretaker units will be considered 1 unit for billing the road fee.

Availability Fees (50% of the base user fees)

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
Per Lot	\$22.60	\$22.94	\$45.54
Road (Flat Fee)			\$5.00
<u>Total Per Quarter</u>			<u>\$151.62</u>

Availability fees are charged per month, per lot billed quarterly including the road fee of \$5.00 charged per month, per lot billed quarterly.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

VI. Equivalent Residential Use Schedule. The following Equivalent Residential Use Units, or EQR'S, are hereby established for the various customer classifications within the District. EQR or Equivalent ratio means a use which is estimated to have an impact upon the water or sewer system equal to that of the average dwelling unit. Dwelling unit is one or more habitable rooms arranged, occupied, or intended or designed to be occupied with facilities for living, cooking, sleeping, eating, bathing, and storage. Residential units, including multifamily units, with a floor area greater than 2,000 square feet shall have an EQR calculated by the following formula:

$$\frac{\text{Square footage of unit}}{2,000} = \text{EQR}$$

Service rates for each unit will be calculated the same for determining monthly rates.

Customer Classification

A. Permanent Single-Family Residential Dwelling Units:

1. Residential dwelling units with a floor area of 2,000 square feet or less are 1.00 EQR and may include 3 bedrooms, 2 bathrooms, and one kitchen.
2. Residential dwelling units with a floor area greater than 2,000 square feet may include 3 bedrooms, allowing for one bedroom over 150 square feet excluding closets, 2 bathrooms, and one kitchen. Additional bedrooms over 150 square feet will be calculated at two times the additional square footage over 150 square feet.
3. A wet bar is an additional 0.25 EQR as determined by this rate schedule and is defined as including, but not limited to, hot and cold water, microwave, sink and refrigerator. If plumbing and electrical are available and arranged in an area which would accommodate the installation of a wet bar it will be considered a wet bar.
4. A secondary kitchen is an additional 0.50 EQR as determined by this rate schedule and is defined as including, but not limited to, hot and cold water, sink, refrigerator, and means of cooking such as a range, hot plate, air fryer, cooktop, oven, portable tabletop griddle, etc. If plumbing and electrical are available and arranged in an area which would accommodate the installation of a kitchen it will be considered a kitchen.
5. An additional bedroom is an additional 0.20 EQR
6. An additional bathroom is an additional 0.15 EQR
7. An additional ½ bathroom is an additional 0.10 EQR
8. All square footage is calculated from the outside of exterior walls with no deletion for interior partitions or stairways.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

9. All square footage with a ceiling height of 4' or more will be counted. Floor area less than 4' in height must be located under a pitched roof. Garages will not count in the square footage calculation.
 10. All livable square footage will be counted in the floor area calculation, finished or unfinished, including storage.
- B. Permanent multi-family residential dwelling units including duplexes, condominiums, apartments:
1. Each dwelling unit in multi-family residential dwelling units, including duplexes, condominiums, apartments will be regulated the same as a residential dwelling units defined above.
- C. A dwelling unit is considered an accessory dwelling unit (ADU) if it is a second, subordinate dwelling unit located on the same zone lot as a primary single unit dwelling. An ADU can either be attached to the primary dwelling unit, or it can be a separate, detached structure. For example, it can be a basement apartment in a single unit house or a detached dwelling unit.
1. An accessory dwelling unit in conjunction with a single family residential unit which cannot be sold separately from the main single-family residential dwelling unit, with floor area of 1,000 sq. ft. or less is 0.50 E.Q.R. and may include 1 bedroom and 1 bathroom. Additional rooms will have the same EQR applied as a single family unit. (See Appendix G Restrictive Covenant Prohibiting Separate Sale Of Second Residential Dwelling Unit. This Covenant must be signed before or when tap fee is paid.)
- D. Multi-Phase Residential and Commercial Projects:
1. Stamped/Approved plans for phases the owner has available, must be submitted with phase one of the project to document future tap fee requirements for the additional phases.
 2. Detached garages which are planning for an accessory dwelling unit (ADU) in a future phase will be required to pay the tap fee during phase one of the project if the owner stubs water and sewer services out during phase one in preparation for the next phase.
 - a) Detached garages with water and sewer services will be charged 0.5 EQR, in advance, and will then be eligible for an accessory dwelling unit (ADU) if wanted in the future.
 3. Phases with no stub-outs for future phases do not require a tap fee during phase one of the project and will be required to pay appropriate tap fees prior to commencement of the next phase.
- E. Swimming pools, hot tubs, and other bathing fixtures larger than a bathtub in

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

conjunction with other use classification:

1. Bathing fixtures with a water capacity of 151 to 750 gallons.
(Single Family).....\$550.00
(Multi Family).....\$1,100.00
 2. Bathing fixtures with a water capacity of 751 to 5,000 gallons.
.....\$2,200.00
 3. Fixtures with a water capacity of 5,001 gallons or more shall have
A Tap Fee of \$2,200.00 for every 5,000 gallons or part thereof.
- F. Temporary and /or transient residential units for rent in hotels,
motels, lodges, and bed & breakfasts:
1. Basic rate, including manager's quarters1.00 EQR
 2. Each additional sleeping unit without
plumbing0.18 EQR
 3. Each additional sleeping unit with plumbing but no
cooking facilities0.30 EQR
 4. Each additional sleeping unit with plumbing and cooking
facilities0.50 EQR
 5. Accessory area per 1,000 sq. ft.0.25 EQR
- G. Bars, restaurants, and establishments serving food and or beverages
(Not based on Square Footage):
1. Establishments with occupancy ranging 0 to 251.36 EQR
 2. Each additional occupancy of 25 or part thereof0.55 EQR
 3. Seasonal Outside occupancy will be calculated at 50%
 4. Bars, restaurants, and establishments serving food and or
beverages without occupancy shall be calculated on square
footage. Reference commercial or public buildings used as
stores, offices, warehouses, storage, or other similar uses,
including small business.
- H. Automobile service stations or similar business:
1. Without a wash rack1.36 EQR

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

2. Additional for each wash rack0.80 EQR
3. Additional for each gas pump nozzle0.20 EQR

I. Commercial or public buildings used as stores, offices, warehouses, storage, or other similar uses, including small business:

1. Each building or customer with 1,000 square feet or less0.60 EQR
2. Each additional 1,000 square feet or part thereof0.60 EQR
3. Restrooms per toilet or urinal0.10 EQR
(Deduct restroom square footage)
4. Public restrooms per toilet or urinal0.20 EQR
(Deduct restroom square footage)

J. Churches and non-profit organization halls with no residence or regular eating facilities1.00 EQR

K. Public or private schools:

1. Base rate for first 30 students or part thereof, square footage not to exceed 2,000 sq. ft.1.00 EQR
2. Each additional 30 students or part thereof, Including 2,000 sq. ft. of space1.00 EQR

Schools exceeding square footage will pay the same per sq. ft. as residential units.

L. Coin operated laundromats, per machine in service by load capacity:

1. Basic fee including first standard size machine size Machine1.00 EQR
2. Each additional machine less than 12 lbs. (standard) ...0.50 EQR
3. Each additional machine of 12.1 to 21.0 lbs. capacity...0.70 EQR
4. Each additional machine of 21.1 to 31.0 lb. capacity....1.00 EQR
5. Each additional machine of 31.0 to 41.0 lb. capacity....1.30 EQR
6. Each additional machine of 41.1 to 51.0 lb. capacity....1.60 EQR

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

7. Each additional machine of 51.1 to 61.0 lb. capacity....2.00 EQR
- M. Rates for uses not specifically described in the above schedule shall be individually negotiated.
- N. Any building or structure containing multiple uses shall have cumulative EQR based on the sum of the separate uses.
- O. More than one set of service lines tied onto district mains serving one lot shall be considered a separate tap fee for the building served for calculations of the E.Q. R.
- P. The Board of Directors of the Crested Butte South Metropolitan District reserves the right to interpret this rate schedule when necessary. The Board interpretation is final.

Q. DEFINITIONS

1. **RESIDENTIAL DWELLING UNIT**- is one or more rooms with one kitchen together with facilities for cooking, sleeping, bathing and sanitation.
2. **ACCESSORY DWELLING UNIT (ADU)**- if it is a second, subordinate dwelling unit located on the same zone lot as a primary single unit dwelling. An ADU can either be attached to the primary dwelling unit, or it can be a separate, detached structure. For example, it can be a basement apartment in a single unit house or a detached cottage near the alley.
3. **HOTEL / MOTEL / LODGE UNIT**- a room or rooms with or without a kitchen, intended for short term rental only. An accommodation unit.
4. **BATHROOM**- is any area that has a toilet. A bathroom shall consist of one each: toilet, lavatory or sink, tub or shower, or tub/shower combination. Commonly referred to as a "whole bath".
5. **½ BATHROOM**- is any area having a toilet and/or sink but will not contain a bathing fixture.
6. **BEDROOM**- shall mean a room of at least 100 square feet having four walls, a door, and egress. Additional bedrooms at 150 square feet or larger shall be counted at two times the additional square footage over 150 square feet.

R. Other Fees

1. **Tax Roll:** \$200 plus an additional 10% will be added to the overall account balance to cover a 10% processing fee that the Gunnison County Assessor's Office charges the Crested Butte South Metropolitan District for tax roll.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

2. **Back Flow Test:** A \$100 charge will be billed to customers who choose to have the Crested Butte South Metropolitan District test their residential or commercial back-flow preventer.
3. **Certificate of Assessment:** \$50 billed to the seller during the sale of a property.

APPENDIX B

Builders Requirements

It is the owner's responsibility that these requirements are implemented by his/her contractor or employees. Make sure that anyone bidding on water and sewer service lines and plumbing in Crested Butte South receives a copy of these requirements. **The District Manager, or an authorized employee, must inspect all service line parts to assure that the correct parts are on hand PRIOR to excavation.**

Increase in Service

Any addition, remodel, change in original plans, addition of sprinkler systems or anything else which increases the District service shall require a re-determination of Tap Fee, User Fee and payment of additional Tap Fee and User Fee so determined.

Water Meters

Water Meters are required on all new construction. Water Meters and remote read outs are provided by the District at the owner's expense. Owner/Developer is responsible for installation cost of the meter. District is responsible for installing the remote readout and connecting the radio. Owners are responsible for maintenance. District will repair it at the owner's cost. The cost of meter is collected with Tap Fee.

Backflow Prevention and Pressure Reduction Values

Owner/Developer is responsible for complying with the Crested Butte South Metropolitan District Backflow Prevention Policy.

Owner/Developer is responsible for purchase and installation of all backflow prevention and pressure reduction valves. Backflow prevention devices are required on all Cross-Connections, sprinkler system, boilers, hot tubs, hose bibs, etc.

Service Lines

1. All service lines will be in separate ditches a minimum of 10 feet apart in straight alignment.
2. The water service line shall be sized by the District and have a minimum of 7 feet of cover.
3. The curb stop will be located 5 feet from the property line if on the street and 10 feet from the property line if in the easement. Prior approval is necessary for alternative placement if this is not possible.
4. All water service lines will be type K copper or Pure Core. If Pure Core is used, locate wire must be taped to the line.
5. No couplers will be allowed between the curb stop and water main unless otherwise approved by the District.
6. All fire flow or large taps that require a T to be installed on a District main must be discussed with the District to confirm sizing and develop a schedule for a main line shut off well in advance of performing the tap.
7. All District sewer mains are 8" SDR 35. Except the section from the sewer plant to the corner of Teocalli Road and Elcho which is 10" SDR 35.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

8. No ditch can remain open for more than 48 hours. The District is not responsible for open excavations. Excavation in District road easements cannot remain open overnight.
9. All service line taps **MUST** be bedded with a minimum of 6" of $\frac{3}{4}$ " washed rock at the main. The District will try to have the material for purchase at market price plus 20%. Road base can no longer be used to bed at the main. It is recommended to bed the entire service line with the $\frac{3}{4}$ " washed rock but is only required at the tap.
10. All District Road Easements will be compacted in 1' lifts with the top lift being $\frac{3}{4}$ " road base at least 6" deep. The owner is responsible for repairing any settled ditches. Please call for inspection of top 6" of gravel in road cuts, 349-5480. $\frac{3}{4}$ " road base must be on-site for bedding and road repair.
11. All service lines that cut into asphalt roads must be backfilled with either Flow Fill or 1 $\frac{1}{2}$ " washed rock. 1 $\frac{1}{2}$ " rock must be compacted in 2-3 foot lifts. All asphalt road cuts should be discussed with the District Manager, or qualified representative, to decide which method to use on a case by case basis.
12. Both water and sewer taps will be made by the District for the \$200.00 system connection fees or a \$500 system connection fee when T's are cut into a water or sewer main to supply larger structures and is to include fire flow cut-ins paid with your tap. Please make appointment for taps at least 24 hours in advance and have parts inspected at the time you make the appointment. Call 970-349-5480 to make appointment or stop by 280 Cement Creed Road.
13. No service lines shall be laid parallel to or within three feet of any bearing wall.
14. The District Manager or their representative will inspect all service lines within 24 hours of an inspection request. Service lines must be inspected before being bedded and backfilled.
15. Topsoil is not considered bedding.
16. The District will provide locations of water and sewer mains within 48 hours of locate request. Depth of mains will be provided if available. Locate request taken at **811**. If water and sewer mains are not marked please call 970-349-5480.
17. Any damage to the District's water and sewer system or road right of way will be the responsibility of the owner for whom the work is being done. Damage to District's water and sewer mains or owner's service lines must be reported immediately to 970-349-5480.
18. The owner is responsible for himself and his employees complying with all the rules and regulations of the District and O.S.H.A.
19. Digging in the District's easements and tapping the District's mains will not be allowed after October 15th or before May 1st of any year.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

20. Final grade on the property must not interfere with any drainage or any other aspects of the road in the District's road easement. No landscaping is permitted in the road easement so that the District has the ability to maintain roads properly without damaging private property. This includes fences, berms, trees, rocks, etc. The District is not liable for damage to anything that is located in the road easement.
21. No materials stockpiled on public easements unless approved by the District Manager.

APPENDIX C
CRESTED BUTTE SOUTH METROPOLITAN DISTRICT APPLICATION FOR SINGLE FAMILY RESIDENTIAL DWELLING UNIT WATER AND SEWER TAP PERMIT

I hereby make application to the Crested Butte South Metropolitan District for a water and sewer tap permit for;

Filing _____ Block _____ Lot _____
 Street Address _____ Number of Units _____.

As a condition of issuing a tap permit, myself and my heirs and assigns herein agree to comply with the Rules and Regulations of the District now in effect or which may be imposed hereinafter. I agree that this application is not the right to tap but an application for tap privilege, good for one year or until revoked by the Board of Directors. After a period of one year the District will refund moneys paid at its discretion if the taps are not made. The following tap privilege fee, as specified in Appendix A of the Rules and Regulations, is hereby remitted;

	Square Footage	Rooms/ Baths	Eqr	Water	Sewer	Total
Single Family Residential	_____	_____	_____	_____	_____	_____
Additional Bedrooms	_____	_____	_____	_____	_____	_____
Add. BDR SQFT>150 (x2)	_____	_____	_____	_____	_____	_____
Additional Full Bathrooms	_____	_____	_____	_____	_____	_____
Additional 1/2 Bathrooms	_____	_____	_____	_____	_____	_____
Garage Apartment	_____	_____	_____	_____	_____	_____
Other _____	_____	_____	_____	_____	_____	_____
Square Footage Total	_____	_____	_____	_____	_____	_____
Sub Totals				_____	_____	_____
System Connection Fee				_____	_____	_____
Service Line Equipment				_____	_____	_____
Water Meter Fee						_____
Totals			_____	_____	_____	_____

Notes: _____

I have received and read copy of the Builders Requirements _____

I have read CB South Metro Rules and Regulations online, or from a paper copy, and will abide by those rules and regulations. _____

I will notify District when services need to be turned on. The District shall assess a penalty of \$1,000.00 against unauthorized turn-ons. _____

Applicant Information

Applicant _____ Signature: _____

Current _____ Date: _____

Address _____
 Telephone _____ Permit Application # _____

Tap Fee Receipt

The property owner is aware that alterations to the interior layout and window schedule on approved architectural plans may result in additional tap and services fees. If it is brought to the District's attention that alterations have been made, the property owner agrees to pay the additional tap and service fees at the current rate. If the property owner is unable to provide evidence of when alterations were made, service fees will be charged at the current rate from when the residence went on to monthly billing.

Owners Signature _____ Date _____

District Use Only

Received the Sum of \$_____ for the above permit application fees. This tap permit application is hereby approved.

Approved by _____ Date _____

Tap permit # _____

Cluster Agreement_____

Restrictive Covenant received_____

Please retain this receipt as proof of payment.

APPENDIX C
CRESTED BUTTE SOUTH METROPOLITAN DISTRICT APPLICATION FOR MULTI-FAMILY RESIDENTIAL DWELLING UNIT WATER AND SEWER TAP PERMIT

I hereby make application to the Crested Butte South Metropolitan District for a water and sewer tap permit for;

Filing _____ Block _____ Lot _____

Street Address _____ Number of Units _____.

As a condition of issuing a tap permit, myself and my heirs and assigns herein agree to comply with the Rules and Regulations of the District now in effect or which may be imposed hereinafter. I agree that this application is not the right to tap but an application for tap privilege, good for one year or until revoked by the Board of Directors. After a period of one year the District will refund moneys paid at its discretion if the taps are not made. The following tap privilege fee, as specified in Appendix A of the Rules and Regulations, is hereby remitted;

	Square Footage	Rooms/ Baths	Eqr	Water	Sewer	Total
Multi-Family Residential	_____	_____	_____	_____	_____	_____
Multi-Family Residential	_____	_____	_____	_____	_____	_____
Additional Bedrooms	_____	_____	_____	_____	_____	_____
Add. BDR SQFT>150 (x2)	_____	_____	_____	_____	_____	_____
Additional Full Bathrooms	_____	_____	_____	_____	_____	_____
Additional 1/2 Bathrooms	_____	_____	_____	_____	_____	_____
Garage Apartment	_____	_____	_____	_____	_____	_____
Other _____	_____	_____	_____	_____	_____	_____
Square Footage Total	_____	_____	_____	_____	_____	_____
Sub Totals				_____	_____	_____
System Connection Fee				_____	_____	_____
Service Line Equipment				_____	_____	_____
Water Meter Fee						_____
Totals			_____	_____	_____	_____

Notes: _____

I have received and read copy of the Builders Requirements _____

I have read CB South Metro Rules and Regulations online, or from a paper copy, and will abide by those rules and regulations. _____

I will notify District when services need to be turned on. The District shall assess a penalty of \$1,000.00 against unauthorized turn-ons. _____

Applicant Information

Applicant _____ Signature: _____

Current _____ Date: _____

Address _____
 Telephone _____ Permit Application # _____

Tap Fee Receipt

The property owner is aware that alterations to the interior layout and window schedule on approved architectural plans may result in additional tap and services fees. If it is brought to the District's attention that alterations have been made, the property owner agrees to pay the additional tap and service fees at the current rate. If the property owner is unable to provide evidence of when alterations were made, service fees will be charged at the current rate from when the residence went on to monthly billing.

Owners Signature _____ Date _____

District Use Only

Received the Sum of \$_____ for the above permit application fees. This tap permit application is hereby approved.

Approved by _____ Date _____

Tap permit # _____

Cluster Agreement _____

Restrictive Covenant received _____

Please retain this receipt as proof of payment.

APPENDIX C
CRESTED BUTTE SOUTH METROPOLITAN DISTRICT APPLICATION FOR
COMMERCIAL WATER AND SEWER TAP PERMIT

I hereby make application to the Crested Butte South Metropolitan District for a water and sewer tap permit for;

Filing _____ Block _____ Lot _____

Street Address _____ Number of Units _____.

As a condition of issuing a tap permit, myself and my heirs and assigns herein agree to comply with the Rules and Regulations of the District now in effect or which may be imposed hereinafter. I agree that this application is not the right to tap but an application for tap privilege, good for one year or until revoked by the Board of Directors. After a period of one year the District will refund moneys paid at its discretion if the taps are not made. The following tap privilege fee, as specified in Appendix A of the Rules and Regulations, is hereby remitted;

	Square Footage	Rooms/ Baths	Eqr	Water	Sewer	Total
Commercial	_____	_____	_____	_____	_____	_____
Toilets/Urinals	_____	_____	_____	_____	_____	_____
Public Toilets/Urinals	_____	_____	_____	_____	_____	_____
Occupancy 0 to 25	_____	_____	_____	_____	_____	_____
Additional Occupancy of 25	_____	_____	_____	_____	_____	_____
Outside Occupancy	_____	_____	_____	_____	_____	_____
Other _____	_____	_____	_____	_____	_____	_____
Other _____	_____	_____	_____	_____	_____	_____
Square Footage Total	_____	_____	_____	_____	_____	_____
Sub Totals				_____	_____	_____
System Connection Fee				_____	_____	_____
Service Line Equipment				_____	_____	_____
Water Meter Fee						_____
Totals			_____	_____	_____	_____

Notes: _____

I have received and read copy of the Builders Requirements _____

I have read CB South Metro Rules and Regulations online, or from a paper copy, and will abide by those rules and regulations. _____

I will notify District when services need to be turned on. The District shall assess a penalty of \$1,000.00 against unauthorized turn-ons. _____

Applicant Information

Applicant _____ Signature: _____

Current _____ Date: _____
Address _____

Telephone _____ Permit Application # _____

Tap Fee Receipt

The property owner is aware that alterations to the interior layout and window schedule on approved architectural plans may result in additional tap and services fees. If it is brought to the District's attention that alterations have been made, the property owner agrees to pay the additional tap and service fees at the current rate. If the property owner is unable to provide evidence of when alterations were made, service fees will be charged at the current rate from when the residence went on to monthly billing.

Owners Signature _____ Date _____

District Use Only

Received the Sum of \$_____ for the above permit application fees. This tap permit application is hereby approved.

Approved by _____ Date _____

Tap permit # _____

Cluster Agreement_____

Restrictive Covenant received_____

Please retain this receipt as proof of payment.

APPENDIX D

WATER METER REGULATIONS

I. Policy

- A) Water Meters Required. No water service shall be available from the District's system without a water meter having been installed to serve the structure. All water meters must be purchased from the District and will include a meter and a data transmission device. The District shall have the right to require testing, removal, repair or replacement of any and all water meters. It shall be the duty of each customer to notify the District office if water meter is operating defectively. If any meter is suspected of being defective, the District shall require the Customer to diligently repair or replace said meter in a timely manner at the Customer's expense. All Services shall have a working meter system. Services not in compliance with these regulations will be billed at double the current base rate for water until the service is in compliance with these regulations.

If the District suspects that a water meter is defective the customer shall be given notice by first class mail. The customer must respond within thirty (30) days of the date shown on the notice, response shall include scheduling an appointment with the District for a meter inspection and replacement. If the customer fails to respond, the customer will be billed at double the current base rate for water until the meter service is in compliance with these regulations, effective the following billing cycle.

The customer will be given a second notice, by first-class mail, that the District suspects that the water meter is defective. The customer must respond within thirty (30) days of the date shown on the second notice, response shall include scheduling an appointment with the District for a meter inspection and replacement. If the customer fails to respond to the second notice the District may disconnect the water service, and the customer will be billed at double the current base rate for their water, sewer, and road maintenance fees while the service is disconnected.

Any location that does not have a water meter installed prior to January 1st, 2025 will be billed at double the current base rate for water until the service is in compliance with these regulations.

- 1) The installation of water meters in structures due to major remodeling or renovation thereof shall only be required if the remodeling or renovation is of a magnitude to require the issuance of a plumbing permit pursuant to the provisions of the Uniform Building Code, or approval by the Crested Butte South Property Owners Association.

II. General Provisions

- A) Water Meter Specifications. The District shall specify the size and type of water meter and remote readout device, for each meter installation.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- B) Location of Water Meter. The District can make recommendations for the location of the water meter and the remote readout device for each structure requiring such equipment but must follow Installation Guidelines. No Service is allowed before the meter.
- C) Cost of Metering Equipment. Water meters, remote readout devices and such necessary appurtenance shall be provided by the District at a price of cost plus twenty percent.
- D) Meter Installation. Installation must be inspected by District personnel and the remote installed before requesting Certificate of Occupancy on new construction. Inspection of the meter will also occur when a property is sold and/or a Certificate of Assessment is requested.

III. Installation of Meters

- A) Minimum Workspace Required. At each water meter location, a space of not less than twelve inches shall be provided behind and on either side of the water meter. A space of not less than three feet shall be provided in front of the meter.
- B) Clear Access to Meter. An access door of not less than twenty-four inches per side shall be provided to permit physical access to the meter location. Said access door shall be kept clear of obstructions to allow unhampered ingress and egress by District Personnel.
- C) Installation by Licensed Plumber, District Staff, or District Contracted Third Party. Installation of water meters in new construction shall be done by a plumber licensed by the State of Colorado. Installation of replacement water meters shall be done by a plumber licensed by the State of Colorado, District Staff, or District Contracted Third Party. Meter setter shall be used in all installations. The user shall purchase the meter setter, valves, and dual check valves from the District at a price of the District's cost plus twenty percent.
- D) Remote Read Device Required. All water meters shall require the addition of a remote readout device of a type specified by the District. It shall be the responsibility of the property owner to notify the District not less than twenty-four hours in advance when the water meter is ready for the wiring of a remote readout device. District personnel will wire remote readout devices. Remote readout devices shall be located so as to be readily accessible to the District personnel at all times of the year.
- E) Use of Pit Meters. Pit meters shall be allowed only when it has been determined by the District that an inside installation is or would be impractical. Frost free pit and related equipment and installation will be the responsibility of the owner.
- F) Safe Access Required. It shall be the responsibility of the owner and/or inhabitant, or their respective assigns, to provide safe access to water meter locations by District personnel for the purposes of the District to include, but is not limited to, reading, repair, maintenance, removal and/or replacement of water meters. Such safe access shall include safe, lighted stairwells, restraint of domestic animals, accumulations of debris or such

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

other conditions as would cause an unreasonable or unusual hazard to District personnel in the performance of their duties as hereinabove described.

IV. Maintenance of Meters

- A) District to Maintain Water Meters. The District has the right to access the water meter to troubleshoot and diagnose malfunctions with advanced notice.
- B) Cost of Repairs and Maintenance of Meters. The cost of the repair, removal, maintenance or water meters shall be the responsibility of the property owner.
- C) Liability for Damage to Equipment. The District shall not be liable for any damage to water meters, remote readout devices or related equipment due to freezing or other causes outside the District's control.
- D) Collection of Costs. The District shall be entitled to use any means of collection legally available including water shut-off according to Sec. 3-19-2 of the rules and regulations and sec. 32-1-1101 of the Colorado revised Statues if, for any reason, the owner or other responsible party fails or refuses to pay to the District for its cost of maintenance, repair and/or replacement of damaged or defective equipment.

V. Penalties

- A) It shall be deemed a violation of these regulations for any owner, inhabitant, guest, or family member thereof, to tamper with water meters and/or remote readout devices with the purpose of affecting the function of said device or equipment or which hampers or alters the readout that is produced by such equipment or device. It is a violation for anyone to draw water from the service line before the meter.
- B) Penalty. The District may, after proper notice and opportunity for hearing, assess violator(s) of these regulations with a fine of up to Five Hundred (\$500.00) Dollars, assessed in addition to any direct cost, fees or expenses of the District for the repair of damaged equipment, and in addition to any other criminal penalties provided by the laws of the State of Colorado.

APPENDIX E

RESOLUTION

Restrict Irrigation Water Usage

BE IT RESOLVED, the Board of Directors of the Crested Butte South Metropolitan District, a Colorado special district, hereby establishes restrictions on irrigation of landscaping and the exterior use of water by the means described as follows:

STANDARD RESTRICTIONS.

Due to high flow demands through the District's water distribution system during summer irrigation months and the high costs of treating water, and the low volume of water available for irrigation, the following irrigation restriction shall apply each year:

1. **LENGTH OF RESTRICTION.** The irrigation restriction shall be in effect year-around. Once freezing has begun, it is advised to cease irrigating to prevent sprinkling systems from freezing.
2. **HOURS OF RESTRICTION FOR IRRIGATION SYSTEMS.** Irrigation systems shall operate between 5:00 a.m. and 10:00 a.m. and between 5:00 p.m. and 10:00 p.m. daily. Additionally, irrigation is not permitted during excessive wind conditions or rain showers that exceed a 15-minute period, or during periods of consistent wet weather.
3. **RESTRICTIONS FOR DIRECT APPLICATION OF IRRIGATION WATER.** There are no hourly restrictions for applying irrigation water directly by hand, hose, or drip-irrigation system. Direct application of irrigation water is not permitted during excessive wind conditions or rain showers that exceed a 15-minute period, or during periods of consistent wet weather.

ALLOWABLE EXTERIOR WATER USES.

Irrigation of landscaping, and water use to ensure necessary sanitation of home, vehicles/trailer, and recreational equipment (bicycles, boats/rafts, dirt bikes, atvs, snowmobiles), safety, and fire prevention are allowable exterior water uses.

NON-ALLOWABLE EXTERIOR WATER USES.

Irrigation system inefficiencies such as excessive evaporation, leaks, over-spray, run-off, and ponding, as well as using hose water to remove dirt from hardscapes and parking areas are non-allowable exterior water uses. No hoses may be left running without direct supervision.

IRRIGATION SYSTEM EFFICIENCY

An irrigation system is defined as a network of controllers, valves, lines, and spray heads/rotors that deliver water to landscaped areas. An above ground or buried irrigation system will be installed properly so that water is directed at desired landscaping and wasteful run-off and leaks do not occur. System controllers must be able to turn the system off during high winds and rain.

EXEMPTIONS TO STANDARD RESTRICTIONS

The District Manager may, in his/her discretion, issue a permit exempting a customer from the standard restrictions set forth above if necessary, to ensure the survival of newly installed landscaping, lawns and trees during drought or freezing events. The customer shall prominently display a copy of the exemption permit in the area to be irrigated. The exemption permit shall authorize the customer to irrigate during

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

designated times of the day or year not otherwise authorized. The exemption permit shall be in effect for the restriction period of the year of issuance only, unless earlier terminated by the District Manager due to the establishment of further restrictions on irrigation and use.

EXTRAORDINARY RESTRICTIONS.

The District Manager may, if required due to existing or threatened water shortages, further restrict irrigation to alternate days in geographic areas within the District as follows: On even numbered days - First and Fourth Filings and River Rim. On odd numbered days - Second and Third Filings.

Such extraordinary restrictions shall automatically be in full force and effect upon two publications of notice in a newspaper of general circulation within the District. Such restrictions shall remain in full force and effect until the earlier of (1) the date the same is rescinded by the District's Manager, or (2) the next regular board meeting, or special board meeting, called for the purpose of evaluation of such restriction, unless continued by action of the board.

VIOLATION OF WATER CONSERVATION RESTRICTIONS.

Upon violation of any of the standard or extraordinary restrictions set forth above, the District Manager shall cause a written Notice of Violation to be mailed or delivered to the customer who has been found to be violating the provisions of these Rules and Regulations. The Notice of Violation shall specifically state the manner of the violation, with reference to the applicable paragraphs of these Rules and Regulations, and the penalty for such violation as set forth below.

PENALTIES FOR VIOLATIONS.

Any person violating any of the standard or extraordinary restrictions set forth above shall be subject to the following fines:

Violation of Standard Restrictions:

First Violation:	Written Warning
Second Violation:	\$50
Third Violation:	\$100

Violation of Extraordinary Restrictions:

First Violation:	\$100
Second Violation:	\$250
Third Violation:	\$500

OBJECTION TO NOTICE OF VIOLATION.

Any customer objecting to any Notice of Violation, or the penalty imposed thereby, may, within 10 days after such notice is mailed to the customer, file a written objection with the District Manager. Failure to timely object to any Notice of Violation shall be deemed a waiver of any objection to such notice or the penalty imposed thereby.

HEARING ON OBJECTION.

Upon filing such written objection, the Board shall at its next regular meeting, hear such evidence as the District Manager and customer may present evidence concerning such violation in accordance with such rules as the Board may establish. If the Board finds that a preponderance of the evidence supports a

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

finding that the alleged violation occurred and the penalty imposed was appropriate, then the Notice of Violation shall stand, and the penalty imposed thereby shall be imposed. Otherwise, the Board may strike or modify the Notice of Violation and/or penalty imposed in accordance with the evidence presented.

REPEATED OFFENSES.

Upon issuance to any customer of a third Notice of Violation, the Board shall, at the next possible regular meeting, determine whether, and upon what conditions, the District should initiate discontinuation of water services. Notice of such hearing shall be mailed to the customer by certified mail to the customer's last known address at least 24 hours before such hearing. In making such determination, the District shall consider any special needs of the customer, and the detriment to the District of the continual violations of the District's lawn watering regulations. At such hearing, the District Manager and customer may present evidence concerning such determination in accordance with such rules as the Board may establish. Notice of any determination shall be mailed to the customer by certified mail to the customer's last known address, and a copy shall be posted on the premises. Any disconnection shall be initiated and exercised in the manner provided by the Districts' Rules and Regulations.

RESOLVED this 26th day of June, 2019

Crested Butte South Metropolitan District

Bill Oliver, Vice President

ATTEST:

Margaret Dethloff, Director

APPENDIX F

BACKFLOW PREVENTION AND CROSS CONNECTION CONTROL POLICY

PURPOSE:

The purpose of this policy is to set forth the District's position regarding prevention of potentially harmful backflow to the District's public potable water delivery system.

The District strictly prohibits cross connection of the public potable water system with any private or public water supply which does not meet minimum general sanitary standards by which the District abides or as set forth by the Colorado Department of Public Health and Environment (CDPHE).

This policy is written pursuant to the Safe Drinking Water Act, Section 11.39, and Article 12 of the Colorado Primary Drinking Water Regulations.

AUTHORITY:

Section 11.39 of Regulation 11 of the revised Colorado Primary Drinking Water Regulations, 5 CCR 1002-11.

Sections 25-1-107, 25-1-108, 25-1-109, and 25-1-14 Colorado Revised Statutes, 1973, as amended.

Colorado Primary Drinking Water Regulations (CPDWR), Article 12, Hazardous Cross Connections.

GLOSSARY

NOTE: **No** ATTEMPT IS MADE TO DEFINE ORDINARY WORDS, WHICH ARE USED IN ACCORDANCE WITH THEIR ESTABLISHED DICTIONARY MEANINGS. UNLESS THE CONTEXT SPECIFICALLY INDICATES OTHERWISE, THE MEANINGS OF TERMS USED IN THIS MANUAL ARE AS FOLLOWS:

-A-

Accessible - Accessibility - When applied to a backflow preventer, fixture, connection, appliance, or equipment, "accessible" means having access thereto, but which first may require the removal of an access panel, door, or similar obstruction. Readily accessible means direct access without the necessity of removing any panel, door, or similar obstruction. Also see Adequate Clearance.

Administrative Authority - The individual official, board, department, or agency established and authorized by a state, county, city, or other political subdivision created by law to administer and enforce the provisions of the regulations and codes as adopted or amended. This definition shall include the Administrative Authority's duly authorized representative.

Adequate Clearance - The unobstructed access to the backflow assembly for visual and physical inspection of all internal and external components. This shall also include adequate space allowing for removal of all components from the top and the sides of the assembly. Local Authorities may have specific clearance requirements. The installer of backflow prevention assemblies is responsible for knowing the proper installation requirements.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

Air Gap - The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, other assembly or vessel and the flood level rim of said vessel.

Approved - Accepted or acceptable under an applicable specification or standard stated or cited as suitable for the proposed use under procedures and authority of the water supplier, administrative authority.

Approved Backflow Prevention Assembly - An assembly listed in the latest University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research (USC FCCC&HR), List of Approved Backflow Prevention Assemblies. Or any assembly listed and approved by The American Society of Sanitary Engineering (ASSE).

Aspirator - A fitting or device supplied with water or other fluid under positive pressure, which passes through an integral orifice or constriction, causing a vacuum

Auxiliary Water Supply - Any water supply on or available to the premises other than the water Supplier's approved potable water supply. These auxiliary water supplies may include, but are not limited to, water from another Supplier's potable water supply or any natural source(s) such as a well, spring, river, stream, pond, lake, etc. or used waters or industrial fluids. These waters may be polluted or contaminated, or may be objectionable and constitute an unacceptable water source over which the water Supplier does not have sanitary control.

-B-

Backflow - The flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source other than its intended source. See Back-Siphonage, Back-Pressure Backflow.

Backflow Connection - Any arrangement whereby backflow can occur.

Backflow Preventer - A device or means to prevent backflow into the potable water system.

Backflow Prevention Assembly - Referred to as a 'backflow preventer'. An assembly or means designed to prevent backflow created by backpressure, backsiphonage or backpressure and backsiphonage acting together.

Backpressure - Backflow due to an increased pressure above the supply pressure, which may be due to pumps, boilers, gravity, or other sources of pressure.

Backsiphonage - The reverse flow of water or other liquids, mixtures, gases, or substances into the distribution pipes caused by negative or sub atmospheric pressure.

-C-

Cavitation - The pressure within the piping system is reduced to the fluid's vapor pressure, and the liquid transforms into a gas. The gas forms pockets or bubbles within the system, which coupled with the flow of fluid causes an impact leading to erosion of the internal flow surface.

Certified Cross-Connection Control Technician - A person who has shown his/her competency and has passed the Cross-Connection Control Technician Certification Examination given by the Water Distribution and Wastewater Collection Systems Council. This person shall be familiar with appropriate laws, rules, and regulations, which address cross-connection control. He/she shall be able to make competent tests and repairs on all approved backflow prevention assemblies, and stay abreast of all new products and information on the subject. A list of contractor certified Cross-Connection Control technicians willing to test assemblies is available from the Colorado Department of Public Health and Environment.

Check Valve - A self-closing assembly, which is designed to permit the flow of fluids in one direction. A single check valve is not an approved backflow prevention assembly.

Colorado Department of Public Health and Environment, Colorado Cross Connection Control Manual - A manual that has been published by the State addressing cross-connection control practices, which shall be used as a guidance document for the water Supplier in implementing a Cross-Connection Control Program.

Confined Space - The OSHA definition of confined spaces - are those areas where an employee would be forced to enter or exit in a posture that might slow self-rescue, or make rescue more difficult. These spaces warrant additional consideration as to whether they pose a hazard to entrants and would, therefore, be regulated as permit-required confined spaces (permit spaces)

Containment - Protection by containment shall mean the installation of an approved backflow prevention assembly, or method, on the water service line(s) serving any premises, location, facility, or area. Protection by containment shall be used when the potable water system may be contaminated or polluted by substances used or stored within a building or premises.

Contamination - An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds, or other materials to a degree, which creates an actual hazard to the public health through poisoning or through the spread of disease. Any physical, chemical, biological, or radiological substance or matter that has an adverse effect on water. Also defined as high hazard.

Critical Level - The critical level (C-L or CIL) marking on a backflow prevention device or vacuum breaker is a point conforming to approved standards and established by the testing laboratory (usually stamped on the device by the manufacturer) which determines the minimum elevation above the flood level rim of the fixture or receptacle served at which the device may be installed. When a backflow prevention device does not bear a critical level marking, the bottom of the vacuum breaker, combination valve, or the bottom of any such approved device shall constitute the critical level.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

Cross-Connection - Any physical arrangement whereby a potable water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, tank, plumbing fixture, or other assembly which contains, or may contain, contaminated water, sewage, or other waste, liquid or gas of unknown or unsafe quality, which may be capable of imparting contamination or pollution to the potable water supply as a result of backflow. Bypass arrangements, jumper connections, removable spools, swivel, or changeover assemblies, four-way valve connections, and other temporary or permanent assemblies through which, or because of which, backflow could occur are considered to be cross connections.

Cross-Connections - Controlled - A connection made between a potable water system and a non-potable water system with an approved backflow prevention assembly, properly installed and tested in accordance with this manual, and that will continuously afford the protection commensurate with the degree of hazard.

-D-

Department Having Jurisdiction - The Administrative Authority, including any other law enforcement agency affected by any provision of this Code, whether such agency is specifically named or not.

Double Check Valve Assembly (DC or DCVA) - An assembly of two independently operating approved check valves between two tightly closing (resilient seated) shut-off valves, plus four (4) properly located test cocks for the testing of each check valve. The entire assembly shall be an approved backflow prevention assembly.

-E F-

Flood-Level Rim - The edge of the receptacle from which liquid overflows.

Flushometer Tank - A tank integrated within an air accumulator vessel which is designed to discharge a predetermined quantity of water to fixtures from flushing purposes.

Flushometer Valve - A valve, which discharges a predetermined quantity of water to fixtures for flushing purposes and is actuated by direct water pressure.

-G H-I-

Hazard - Health - Any condition, assembly, or practice in the water supply system and its operation, which could create, or in the judgment of the water Supplier may create, a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect, including cross-connections, in a water supply system, or a direct connection of a potable water supply line to a sanitary sewer.

Hazard - Plumbing - A plumbing type cross-connection in a potable water system that has not been properly protected by an air-gap separation or an approved backflow prevention assembly. Unprotected plumbing types of cross-connections are considered a health hazard.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

Hazard - Pollution - An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be a threat to life or be dangerous to health.

Hazard - System - An actual or potential threat of severe damage to the physical properties of the potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system caused by a cross-connection.

Hazardous Chemical - An EPA designation for any hazardous material requiring an MSDS under OSHA's Hazard Communication Standard. Such substances are capable of producing fires and explosions or adverse health effects like cancer and dermatitis. Hazardous chemicals are distinct from hazardous waste.

High Hazard - See Contamination

Indirect Waste Pipe - A pipe that does not connect directly with the drainage system but conveys liquid wastes by discharging into a plumbing fixture, interceptor, or receptacle which is directly connected to the drainage system.

Industrial Fluids System - Any system containing a fluid or solution which may be chemically, biologically, radiological, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution, or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and "used waters" originated from the potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis, circulated cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, lakes, dams, ponds, retention pits, irrigation canals or system, etc.; oils, gases, glycerin, glycols, paraffin's, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

Isolation - The control of cross-connections within a building's plumbing system by the installation of approved backflow prevention assemblies or methods at or near the potential sources of pollution or contamination.

- J K L-

Listing Agency – An agency accepted by the Administrative Authority which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed models, and which makes available a published report of such listing in which specific information is included that the product has been tested to approved standards and found safe for use in a specific manner.

Lower Explosive Limit (LEL) - The concentration of a compound in air below which the mixture will not catch on fire.

-M-

Main - The principal artery of any system of continuous piping to which branches may be connected.

Material Safety Data Sheet (MSDS) - A compilation of information required under the OSHA Communication Standard on the identity of hazardous chemicals, health, and physical hazards, exposure limits, and precautions. Section 311 of SARA requires facilities to submit MSDSs under certain circumstances. **Microbial Growth** - The amplification or multiplication of microorganisms such as bacteria, algae, diatoms, plankton, and fungi.

- N -

Non-Potable Water - Water that is not safe for human consumption or that does not meet the requirements set forth in the State of Colorado Primary Drinking Water Regulations. Water that is unsafe or unpalatable to drink because it contains pollutants, contaminants, minerals, or infective agents.

-OP-

Plumbing - The business, trade, or work having to do with the installation, removal, alteration, or repair of plumbing and drainage systems or parts thereof.

Plumbing System - Includes all potable water building supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipe(s), and all building drains and building sewers, including their respective joints and connection, devices, receptors, and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, medical gas and medical vacuum systems, fuel gas piping, water heaters and vents for same.

Pollution - The presence of any foreign substance (organic, inorganic, radiological or biological) in the water that may degrade the water quality to constitute a non-health type hazard or impair its usefulness. Also defined as low hazard. **Potable Water** - Water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological, chemical, and radiological quality shall conform to the State of Colorado Primary Drinking Water Regulations. Water that is safe for drinking and cooking.

Pressure - The normal force exerted by a homogenous liquid or gas, per unit of area, on the wall of the container.

- (1) Static Pressure - The pressure existing without any flow.
- (2) Residual Pressure - The pressure available at the fixture or water outlet after allowance is made for pressure drop due to friction loss, head, meter, and other losses in the system during maximum demand periods.

-Q R-

Reduced Pressure Principal Assembly - An assembly of two independently operating approved check valves with a hydraulic automatic operating differential relief valve between the two check valves. The assembly shall be located between two (2) tightly closing (resilient seated) shut-off valves, and have four (4) properly located test cocks for the testing of the check and relief valves. The entire assembly shall be an approved backflow prevention assembly.

-S-

Service Pipe - The pipeline extending from the water main to the building served or to the consumer's system.

Significant Potential Source of Contamination - A facility or activity that stores, uses, or produces compounds with potential for significant contaminating impact if released into the source water of a public water supply.

Submerged Inlet - A water pipe or extension thereof from a potable water supply terminating below the flood level rim of a tank, vessel, fixture, or appliance which may contain water of questionable quality, waste or other contaminant or pollutant.

-T-

Toxic Chemical - Any chemical listed in EPA rules as "Toxic Chemicals Subject to Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986."

Toxicity - The degree to which a substance or mixture of substances can harm humans or animals. Acute toxicity involves harmful effects in an organism through a single or short-term exposure. Chronic toxicity is the ability of a substance or mixture of substances to cause harmful effects over an extended period, usually upon repeated or continuous exposure sometimes lasting for the entire life of the exposed organism. Subchronic toxicity is the ability of the substance to cause effects for more than one year but less than the lifetime of the exposed organism.

-V-

Vacuum - Any pressure less than atmospheric pressure.

Vacuum Breaker – See Backflow Preventer.

Vacuum Breaker, Atmospheric Non-pressure Type – A vacuum breaker consisting of an air inlet opening and a non-loaded floating check disk valve designed to prevent backsiphonage only. The assembly shall not be subjected to continuous static line pressure or backpressure or be installed where it would be under pressure for more than twelve (12) continuous hours.

Vacuum Breaker, Pressure Type – A vacuum breaker, designed to prevent backsiphonage only, consisting of a spring loaded check valve, a spring-loaded air inlet opening, a tightly closing shut off

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

valve on each side of the assembly, and two (2) appropriately located test cocks. The assembly shall not be subjected to backpressure. The entire assembly shall be an approved backflow prevention assembly.

Vacuum Relief Valve – A device that prevents excessive vacuum in a pressure vessel.

-W-

Water Distributing Pipe - In a building or premises, a pipe, which conveys potable water from the building supply pipe to the plumbing fixtures and other water outlets.

Water Distribution and Wastewater Collection Systems Certification Council An organization designated by the Colorado Department of Public Health and Environment to administer and maintain the Cross-Connection Control Technician certification program

Water Main (Street Main) - A water-supply pipe for public or community use.

Water Service-Connection - The terminal end of the water Supplier's service connection from the potable water distribution system; i.e., where the water Supplier loses jurisdiction and sanitary control over the water at its point of delivery to the customer's stop box or shut-off valve or meter, whichever comes first from the water main. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention assembly located at the point of delivery to the customer's water system. This shall include irrigation systems and fire sprinkler systems. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the potable water system. For customers outside the water Supplier limits, "water service connection" shall mean the terminal end of the water Supplier's service connection from the potable water system to the customer's corporation stop.

Water Supplier (also referred to as Water Purveyor) - Any person or group owning and/or operating a public potable water supply.

Water Supply System - The building supply pipe, the water distributing pipes and the necessary connecting pipes, fittings, control valves, and all appurtenances carrying or supplying potable water in or adjacent to the building or premises.

THE FOLLOWING DEFINITIONS ARE FROM THE UNIFORM PLUMBING CODE (UPC) 1997 EDITION:

Certified Backflow Assembly Tester - A person who has shown competence to test and maintain backflow assemblies to the satisfaction of the Administrative Authority having jurisdiction. (UPC 1997)

Confined Space - A room or space having a volume less than fifty (50) cubic feet per 1000 Btu/h (1.4 m³/293W) of the aggregate input rating of all fuel burning appliances installed in that space. (UPC 1997)

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

Contamination - An impairment of the quality of potable water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids or waste. Also defined as High Hazard. (UPC 1997)

Cross-Connection - Any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment, or device, through which it may be possible for nonpotable, used, unclean, polluted, and contaminated water, or other substances, to enter into any part of such potable water system under any condition.(UPC 1997)

Insanitary - A condition which is contrary to sanitary principles or is injurious to health.

Condition to which "insanitary" shall apply include the following:

- (1) Any trap which does not maintain a proper trap seal.
- (2) Any opening in a drainage system, except where lawful, is not provided with an approved water-sealed trap.
- (3) Any plumbing fixture or other waste discharging receptacle or device, which is not supplied with water sufficient to flush it and maintain it in a clean condition.
- (4) Any defective fixture, trap, pipe, or fitting.
- (5) Any trap, except where in this Code exempted, directly connected to a drainage system, the seal of which is not protected against siphonage and backpressure by a vent pipe.
- (6) Any connection, cross-connection, construction, or condition, temporary or permanent, which would permit or make possible by any means whatsoever, for any unapproved foreign matter to enter a water distribution system used for domestic purposes.
- (7) The foregoing enumeration of conditions to which the term insanitary shall apply, shall not preclude the application of that term to conditions that are, in fact, insanitary. (UPC 1997)

Pollution - An impairment of the quality of the potable water to a degree which does not create a hazard to the public health, but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use. Also defined as Low Hazard. (UPC 1997)

DISTRICT RESPONSIBILITIES:

To identify hazardous service connections as outlined in the CDPHE's Cross Connection Control Manual.-

Shall have no uncontrolled cross connections to any District system for supply of potable water which does not meet the provisions of the CPDWR.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

The District may perform a survey of any property that could potentially be at risk. The District must document the process for conducting surveys. Surveys can be performed onsite by a person designated by Crested Butte South Metro District or can be of a questionnaire type. The District's survey process should identify potential service connections and uses that when identified may trigger cross-connection control requirements.

Require all system users to install and maintain containment type Backflow Prevention Devices (BPD's) on services that pose a threat to public health hazard. The District in conjunction with the CDPHE shall determine the need and type of device consistent with the degree of hazard posed by the connection.

Isolation type devices shall be considered on case by case basis.

Inspect and approve the installation of all BPD'S.

Retain maintenance records of all BPD's for the last three years. Make records available to the CDPHE for inspection.

CUSTOMER RESPONSIBILITIES:

To prevent pollutants and/or contaminants from entering the District system **by** way of the customer system.

Test and maintain all BPD'S. **All** testing and maintenance shall be performed **by** a trained and qualified (certified) cross connection control technician. Initial tests shall be performed within **30** days of installation and subsequent tests shall be performed each year (not to exceed 365 days) thereafter.

Allow District to inspect BPD(S) or investigate potential hazards to the public water system at any time.

Purchase, install, test, maintain, repair, and replace all BPD'S.

GENERAL:

BPD's required by the District will conform to the latest **AWWA C-506 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices.**

The District shall determine the type of BPD to be installed based on the degree of hazard that is posed by the customer's system.

The customer shall notify the District prior to testing of BPD by a certified technician so that the Company may witness the test. Written results of the test shall be forwarded to the District.

Results of the testing will be kept and tracked by the District, and will be submitted for annual reporting. BPD's in the district will be tracked through a monitoring spreadsheet.

Records of maintenance, overhaul, or replacement will be kept by the customer and a copy of such records shall be forwarded to the District as those records are generated.

The District may disapprove of any existing BPD that may be installed in a customer system given incomplete or improper installation.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

The District shall consider bypasses, jumper connections, removable sections, swivel or change-over devices, or any other temporary or permanent connections through which backflow could occur to be cross connections.

The District prohibits any cross connection of the public water supply to any other pipe, fixture, or auxiliary water system which contains water of a quality below minimum general sanitary standards by which the District abides or as set forth by the CDPHE for that water system, whichever is the most stringent--.

The District reserves the right to prohibit and deny cross connection of any auxiliary water source with its public potable water supply. The District will be the ultimate authority in these matters.

Any public water supply system that is cross connected with the District system shall have a backflow prevention policy in place that meets or exceeds the general standards outlined in this policy.

Any cross connection discovered by the District that is not allowed by this policy shall be permanently removed within 24 hours of formal notification or service will be discontinued until such time as the conditions or defects are corrected.

The District shall conduct inspections and surveys of customer's and their facilities in accordance with the CPDWR, Article 12. The District will exercise reasonable and informed judgment to determine whether conditions or circumstances pose a threat to the public potable water supply and take appropriate action to resolve concerns.

The District shall give written notice requiring installation of an approved BPD(S) at specific locations on the customer's premises. The customer shall install the BPD(S) within 30 days of written notice at his own expense. If the customer fails to comply with the request of the District, service will be discontinued by means of a physical break in service.

A BPD shall be installed at any suitable location downstream of the meter which provides containment protection for the District.

This policy incorporates herein by reference the **Cross-Connection Control Manual** and the **CPDWR** of the CDPHE including all amendments made now and hereafter. Whenever there is a conflict between this policy and the references, the most stringent standard will apply.

APPENDIX G

**RESTRICTIVE COVENANT PROHIBITING
SEPARATE SALE OF SECOND RESIDENTIAL DWELLING UNIT**

THIS RESTRICTIVE COVENANT is made and entered into this ____ day of _____, 20__, by and between _____, whose address is _____, hereinafter referred to as “OWNER”, and CRESTED BUTTE SOUTH METROPOLITAN DISTRICT, a Colorado special district, whose address is P. O. Box 1129, Crested Butte, Colorado 81224, hereinafter referred to as “DISTRICT”.

R E C I T A L S:

OWNER desires to construct an additional residential dwelling unit of less than 1,000 square feet upon the real property hereinafter described which is or will be improved with one single-family residential dwelling unit, in addition to the foregoing unit; and

OWNER wishes to take advantage of the DISTRICT’S “accessory dwelling unit” rate classification, which requires that the “accessory dwelling unit” cannot be sold separately from the single-family residential dwelling unit;

NOW, THEREFORE, THIS RESTRICTIVE COVENANT:

1. CONSIDERATION. This Restrictive Covenant is given in consideration of the DISTRICT’S classification of the additional residential unit to be constructed with the single-family residential unit on the property hereinafter described as a “caretaker unit” pursuant to the DISTRICT’S rate schedule, the sufficiency of which is hereby acknowledged.

2. PROPERTY. The real property which is the subject of this Restrictive Covenant is described as follows:

Lot ____, Block ____, CRESTED BUTTE SOUTH,
FILING NO. ____, according to the recorded plat thereof,
County of Gunnison, State of Colorado

3. RESTRICTION. The OWNER, on behalf of themselves, their successors and assigns, hereby restrict the real property described herein from being further subdivided so that the residential dwelling units located thereon can be sold or conveyed separately, and the residential dwelling units located on the property described herein shall not, in the future, be sold or conveyed separately.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

4. RESTRICTIVE COVENANT TO RUN WITH LAND. The terms and conditions of this Restrictive Covenant shall run with the real property described herein.

5. BENEFIT OF RESTRICTIVE COVENANT. The terms and conditions of this Restrictive Covenant are for the benefit of the DISTRICT, and may not be terminated or altered without the express written approval of the DISTRICT.

6. ENFORCEMENT. The terms and conditions of this Restrictive Covenant may be enforced by an action either in law or in equity brought by the DISTRICT. In the event of successful enforcement hereof, in addition to any other relief provided at law or in equity, the DISTRICT shall be entitled to its reasonable attorney's fees incurred in the enforcement of this Restrictive Covenant.

EXECUTED as of the date first above written.

OWNER _____

OWNER _____

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing Restrictive Covenant was acknowledged before me this ____ day of _____, 20__, by _____.

WITNESS my hand and official seal.

My commission expires: _____

Notary Public

APPENDIX H:

PRETREATMENT PROGRAM REGULATIONS

FOR THE CRESTED BUTTE SOUTH METROPOLITAN DISTRICT

These regulations shall apply to all commercial users that will have cooking and/or processing facilities, garages, or any other commercial use that the District deems appropriate, and which discharges into the Crested Butte South Wastewater Treatment Plant (WWTP). These regulations shall also apply to residential users that have floor drains planned in their construction design. These regulations may be amended and modified from time to time.

(a) Definitions.

- (1) FOG facilities are non-domestic dischargers located within the District's service area where the following uses or activities occur, and which are subject to the District's pretreatment requirements for the control of fats, oils, and greases:

Non-residential properties on which occurs preparation, manufacturing, or processing of food, including but not limited to: restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, schools, nursing homes and other facilities that prepare, service or otherwise make foodstuffs available for consumption.

- (2) POGS facilities are non-domestic dischargers located within the District's service area where the following uses or activities occur, and which are subject to the District's pretreatment requirements for the control of petroleum, oil, grease, and sand:

Non-residential properties on which occurs automotive service or repair, machine shops, automotive care centers, auto body shops, car washes or any other facility that generates sand, grit or petroleum waste that may discharge into a District system-sewer.

- (3) Grease interceptor is a unit with at least two compartments and a capacity of at least 500 gallons which uses gravity to separate grease from wastewater, is designed to retain grease from one or more fixtures and which is located outside the building being served and accessible at all times.
- (4) Sand/oil separator is a unit of at least 300 gallons capacity designed to retain sand and oil from one or more fixtures and which shall be located remote from the fixtures being served, typically outside the building being served. The District may determine whether or not a larger capacity sand/oil separator is required.

(b) General Control Requirements.

SECTION 1: FOG FACILITIES AND POGS FACILITIES:

- (1) A grease interceptor or sand/oil separator shall be required when, in the judgment of the District, it or they are necessary for the proper handling of liquid wastes which may be

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

harmful to, or cause obstructions to flow or pass-through, or interference with the proper operation of the WWTP.

- (2) Unless a variance has been granted by the District, any property with industrial or commercial uses as of January 1, 2017 shall be required to install a grease interceptor or sand/oil separator as of such date. Such grease interceptor or sand/oil separator shall be installed as soon as practicable taking into account seasonal weather conditions. It shall be the responsibility of the owner of the property to contact the District for the purpose of obtaining a plan review of all grease interceptor and oil/sand separators. The plan review shall determine the need, method, size and location of the interceptor or separator required to control discharges into the WWTP. Written approval from the District must be obtained prior to installation of the interceptor or separator.
- (3) Detailed plans describing the grease interceptor or oil/sand separator facilities and operating procedures shall be submitted to the District for review, and must be acceptable to the District before such facilities are constructed. The review and approval of such plans shall in no way relieve the owner of the subject property from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under these pretreatment regulations, nor shall it relieve the property owner of ensuring proper maintenance and cleaning of the grease interceptor and/or sand/oil separator.
- (4) The design and construction of grease interceptors and oil/sand separators shall be in accordance with the applicable plumbing and electrical codes and these regulations. The grease interceptor and oil/sand separator shall be designed, sized, installed, maintained, and operated to accomplish their intended purpose of intercepting pollutants from the subject property's wastewater and preventing the discharge of such pollutants to the WWTP.
- (5) The property owner and the District will use general sizing criteria shown in Table 1 to evaluate grease interceptor sizing. Approval of grease interceptor capacity shall in no way relieve the owner of the subject property from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of these pretreatment regulations.

Table 1:

Grease Interceptor Sizing Table					
Fixture Type	# Of Fixtures		Surge Flow From fixture (gpm)		Total Flow (gpm)
<u>Kitchen Area Sinks</u>					
Single Compartment		x	20	=	
Double Compartment		x	25	=	
Triple Compartment		x	30	=	
Mop/Clean-up		x	20	=	
<u>Dishwashers</u>					
Up to 30 gallon capacity					
30 to 50 gallon capacity					
50 to 100 gallon capacity					
			Total Surge Flow		
			Detention Time	X 10 Min	
Required Minimum Grease Interceptor Capacity (gallons)*					
*Minimum Approved Size is 500 gallons, standard size is 1,000 gallons * Sizing of apparatuses not mentioned herein shall be determined by the District case by case and will consider capacity and/or flow as a benchmark for determination.					

- (6) A variance as to the requirement for the installation of a grease interceptor or oil/sand separator may be granted by the District for good cause shown. Variances shall not exceed five years in duration and shall terminate on the earlier to occur of the expiration of the variance, the installation of a grease interceptor or oil/sand separator, transfer of ownership of the subject property or issuance of a building permit for the subject property. Such grease interceptor or sand/oil separator shall be installed as soon as practicable following the termination of the variance taking into account only delays due to inclement weather. No certificate of occupancy for the subject property may be issued until a grease interceptor or sand/oil separator required by these regulations has been installed. The District will evaluate all data and information supporting a request for a variance. The owner of the property required to install the grease interceptor or oil/sand separator shall have the burden of proof on demonstrating through data and other information why a variance should be granted. In no case shall a variance result in a violation of any requirement or effluent limit specified in

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

these pretreatment regulations or applicable law. The granting of any variance shall be at the sole discretion of the District. All variances shall be memorialized by a certificate of variance approved by the District Attorney and recorded against the subject real property on the official real property records of the Clerk and Recorder of Gunnison County, Colorado. The decision of the District Manager in regards to such variance shall be final and non-appealable. If a variance is granted, the owner of the property required to install the grease interceptor or oil/sand separator shall:

- a) Pay a pretreatment fee to offset the costs incurred by the District for accelerated sewer line cleaning on the District's sewer line providing service to the subject property, costs to the District of treating the excess strength waste and any costs for sampling and analysis. The pretreatment fee shall be \$5.00 per month per 100 gallons of capacity required referenced in Table 1 or \$25.00 per month minimum.
- (7) Upon change of ownership of any property or any portion thereof required to have a grease interceptor or oil/sand separator, the owner of such property shall have the burden of demonstrating that a properly sized and functioning interceptor or separator is installed.
- (8) Toilets, urinals, and similar fixtures shall not waste water through a grease interceptor or oil/sand separator. Such fixtures shall be plumbed directly into the building sewer and waste system.
- (9) All sink fixtures not equipped with a garbage disposal (garbage grinder) which are connected to a grease interceptor shall be equipped with a fixed or removable mesh screen which shall catch garbage and food debris and prevent such substances from entering the grease interceptor.

(c) Required Maintenance.

- (1) Grease interceptors shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the fats, oil and grease from the FOG Facility's wastewater and prevent the discharge of said materials into the WWTP. A grease interceptor in service in the District shall be serviced when the solid material in the interceptor occupies 25% of the interceptor capacity or 365 days whichever comes first.
- (2) Sand/oil separators shall be maintained by regularly scheduled removal of the accumulated sand and oil so that they will properly operate as intended to intercept the sand and oil from the subject property's wastewater and prevent the discharge of sand and oil into the WWTP. A sand/oil separator in service in the District shall be serviced at a maximum interval of 365 days.
- (3) The District may require more or less frequent cleaning. A variance from this requirement may be obtained from the District when the subject property owner can demonstrate less frequent cleaning is sufficient.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- (4) Maintenance of grease interceptors and oil/sand separators shall be performed in a skillful manner only by professionals normally engaged in the servicing of such plumbing fixtures.
- (5) In the event grease interceptor or oil/sand separator is not properly maintained by the owner of the subject property, the District may authorize such maintenance work be performed on behalf of the property owner. The costs of such maintenance shall be billed directly to the customer and shall become part of the charges due and owing the District for sewer service and shall constitute a lien against the property until paid in full.
- (6) Property owners shall:
 - a) Ensure grease interceptors and oil/sand separators are easily accessible for inspection, cleaning, and removal of grease.
 - b) Maintain interceptors and separators at their expense and keep in efficient operating condition at all times by the regular removal of oil, grease, and solids.
 - c) Document each pump out with a waste manifest or trip ticket from the contractor that must be submitted to the District each time the device is serviced, at least annually, and kept on site for at least three years.
 - d) Take reasonable steps to assure that all waste is properly disposed of at a facility in accordance with federal, State, and local regulations (i.e., through a certification by the hauler included on the waste manifest or trip ticket for each load).
- (7) Use of biological additives, enzymes, or surfactants that could emulsify oil and grease is prohibited.
- (8) FOG Facilities and POGS Facilities will be identified through the District's inspection program. Once identified and determined by the District to need treatment, the facility shall be required to comply with the District's pretreatment program. The District will require these businesses to implement Best Management Practices (BMPs) to minimize the discharge of pollutants to the WWTP as described below.
 - a) FOG Facilities:
 - i) Scrape food from plates into garbage cans.
 - ii) Pre-wash plates by spraying them off with cold water over a small mesh catch basin positioned over a drain. This catch basin should be cleaned into a garbage can or other solid waste disposal device as needed.
 - iii) Pour all liquid oil and grease from pots into a waste grease bucket stored at the pot washing sink. Heavy solid build-up of oil and grease on pots and pans should be scraped off into a waste grease bucket.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- iv) Utilizing appropriate absorbent materials to contain and cleanup any spillage of grease or oils and disposing of all used absorbent materials as solid waste.
 - v) Certify that training for these requirements has been provided to kitchen staff.
 - vi) Other kitchen practices identified by the District and/or FOG facility which will decrease the point source discharge of oil and grease.
- b) POGS Facilities:
- i) No dumping of petroleum-based waste products into the waste collection system.
 - ii) Sweeping floors and other service areas with hand brooms and dispose of all sweepings as solid waste to minimize the use of wash down water to the greatest extent practicable.
 - iii) Utilizing appropriate absorbent materials to contain and cleanup any spillage of petroleum-based products and disposing of all used absorbent materials as solid waste.
 - iv) Providing certification that all employees have been trained on these practices.
 - v) Other practices identified by the District and/or facility which will decrease the discharge of sand and oil.

(d) Inspections.

- (1) The District will conduct inspections of any facility with or without notice and will consider such factors as, without limitation, potential to discharge oil, grease, sand, grit, or petroleum contaminated wastes.
- (2) If any inspection reveals non-compliance with any provision of these requirements, corrective action shall be undertaken immediately by the property owner. Such noncompliance may include, but not be limited to:
 - a) Poor maintenance of interceptors or separators.
 - b) Failure to timely correct previously noted areas of non-compliance.
 - c) Inability to access or open a grease interceptor or oil/sand separator.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- d) Inability to inspect a grease interceptor or oil/sand separator due to overabundance of oil, grease, grit, or sand accumulation.
- e) Inspection results will be provided in writing to the property owner.

(e) Enforcement and Compliance.

- (1) Any violation of these requirements shall be considered an unpermitted discharge and a violation of these regulations.
- (2) The District has the right to reject acceptance of any waste which may be harmful to or create obstructions of flow or pass-through, or interference with the proper operation of the WWTP or that violates any requirements on discharge set by local, State, or federal law or regulations.
- (3) All property owners and others with property rights (e.g., tenants) of the subject property shall be jointly and severally responsible for complying with the requirements and standards established by these requirements.
- (4) Any costs incurred by the District due to obstructions to flow or pass-through, or interference with the proper operation of the WWTP, damage or maintenance necessary in the WWTP, FOG Facility or POGS Facility shall be paid by the property owner. Any costs and expenses incurred in rectifying any such obstructions to flow or pass-through, or interference with the proper operation of the WWTP, damage or maintenance necessary in the WWTP, FOG Facility or POGS Facility including reasonable attorneys' fees and costs of any dispute, shall be billed directly to the owner of the property, and such costs shall become part of the total charges due and owed to the District and shall constitute a lien on the subject property.
- (5) For purposes hereof, where ownership of a lot or parcel is held by multiple owners, these regulations shall apply to all of the lot or parcel and all of the owners are responsible for the compliance hereof. "Subject property" shall include each separate property interest individually, and all property interests collectively in any lot or parcel, as the case may be, for purposes of compliance hereof.

APPENDIX I

POLICY FOR THE CONSTRUCTION OF UTILITIES WITHIN ROAD RIGHT OF WAY

PURPOSE:

This policy is to set forth the Crested Butte South Metropolitan District's (the "District's") guidelines to prevent road and drainage failure from utility construction within the District's road right of way. Compliance with these guidelines is mandatory unless a written waiver has been provided by the District Manager. Regardless, in no event shall any utility construction commence within a District right-of-way prior to the issuance of a written permit from the District.

Underground Utilities

- A. Where the installation crosses a paved roadway, it shall be made by boring or jacking beneath the road surface. Open cutting shall be allowed to the edge of the shoulder portion of the road. No water shall be used in boring and no tunneling shall be permitted. In no circumstance shall an existing culvert be used for the installation of a new underground utility. The District Manager may authorize pavement cuts based on the condition of the asphalt and known soil conditions in the area.
- B. Pavement cuts are permitted when: two unsuccessful attempts have been made to bore or jack the installation; conflicting utilities place constraints as to elevation or alignment on the proposed installation; connecting to an existing utility located beneath the paved portion of the roadway; approved by the District Manager in advance.

Cutting existing asphalt shall be accomplished so as to provide a neat even line perpendicular to the centerline of the roadway, unless otherwise approved by the District Manager in advance.

- C. When an open cut is allowed, the permittee is responsible for restoring the disturbed portion of the roadway to its original condition. In road base, 3/4-inch class 6 road base, preferably from the McCabe's Lane Pit or an equivalent fractured road base, must be used for the topcoat. The disturbed area shall be repaired within forty-eight hours from the time of excavation, or twenty-four hours from completion of the project within the roadway. When weather conditions prohibit complete repair, the cut must be left in an acceptable condition for the public to use. The final repair must be done as soon as weather permits. Any repairs not completed within forty-eight hours must be pre-approved by the District Manager.

Tests shall be performed at thirty-foot intervals for trenches one to one hundred twenty feet in length, fifty-foot intervals for trenches one hundred twenty to three hundred feet, and one hundred-foot intervals for trenches over three hundred feet in length. Permittee shall bare all expenses for testing fees and repair costs. The District reserves the right to conduct in-place density tests to confirm the permittee's density test results and require retesting of areas where conflicting test results are obtained.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

Compaction control testing and documentation of results may be waived by the District Manager upon submittal of an acceptable surety guaranteeing repair or replacement of failures within a one-year period after completion of the last repair.

Structural backfill (flow fill) meeting an approved design containing Portland cement, water, coarse aggregate, and fine aggregate and, resulting in a maximum of 60 psi in 28 days may be used at the approval of the District Manager. Compaction of this type of structural backfill will not be required if material meeting the approved design is used. $\frac{3}{4}$ inch or 1 $\frac{1}{2}$ inch washed rock may be substituted with compaction for every two-foot lift.

Hot Bituminous Pavement Mix Grading C, CX, G, or R as defined by the Department of Highways, Division of Transportation, State of Colorado, Standard Specifications for Road and Bridge Construction, latest edition, shall be used for patching material, except when unavailable, during which time a temporary cold mix patch shall be allowed. Temporary patches shall be replaced with hot mix patches within five working days after material becomes available. The layer of patching shall be as thick as the original road surface, and in no case less than two inches. Asphalt cuts shall be twenty-four inches wider (twelve inches per side) than the width of the excavation.

Permittee shall be responsible for patch failure and subsequent surface settlement for a period of twelve months after completion of patching.

Repairs to failed patches may be made by the District and billed directly to the permittee.

- D. No underground utility may be installed within a road right-of-way if such installation would interfere, in any fashion whatsoever, with any existing utility installation or water course, including a corral, ditch or culvert, except with the prior written authorization of the owner of the existing utility installation or water course.
- E. The traveling public must be protected during the repair or installation of utilities with proper warning signs or signals.
- F. Utility placement by plowing may be allowed. Plowing shall not occur across paved roads. Where plowing operations occur across the roadway prism and result in an open cut, backfilling shall be done in accordance with section C.
- G. W Full road closure due to utility installation must be approved and executed by the District.
- H. No cleated or tracked equipment shall work on or move over asphalt surfaces without mats.
- I. Any materials excavated as the result of utility installation shall be removed from road surface each day unless material is serving as a barrier to an open excavation. The District Manager may require that road surfaces be washed.
- J. Requests for utility permits should allow 48 HOURS for a field review by the District prior to the issuance of any permit.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- K. A copy of the fee schedule for Underground Utility Permits is available from the District. Failure to obtain a permit when working within the District right-of-way may result in a fine of up to \$1,000.00. The District reserves all of its rights to pursue any and all remedies available at law and equity in the event work within a District right-of-way occurs without a permit issued by the District.
- L. Road cuts for utility installation or repair made parallel to the centerline of the road, and which cause damage to, or required the removal of asphalt in any traffic lane, require the replacement of asphalt to the full lane width throughout the disturbed section unless a waiver is obtained from the District Manager.
- M. No utility installations within a District right-of-way will be allowed after October 15th or before May 1st of any year, and no placement of underground utilities will be allowed when there is more than four inches of frost present.
- N. The permittee shall be responsible for the complete reclamation of areas disturbed within the right-of-way to prevent the introduction and/or spread of noxious weeds and soil erosion. Soil disturbance of 500 square feet or greater must be revegetated. Revegetation requirements for soil disturbance less than 500 square feet will be at the discretion of the District Manager.
- O. The permittee shall be responsible for noxious weed control in disturbed areas utilizing Integrated Weed Management (IWM) practices. State law, C.R.S. § 35-5.5-101 *et seq.*, and the Gunnison Basin Integrated weed Management Plan; Gunnison County Board of County Commissioners' Resolution 95-74, require that certain noxious weeds be controlled. Noxious weed infestations, to be controlled, should be properly identified to determine proper control measures. Noxious weeds can be controlled by utilizing one or more of the following IWM practices: 1) biological control, 2) cultural control, 3) herbicidal control, or 4) physical control. Contact Gunnison County Weed Specialist for the current list of noxious weeds mandated by law to be controlled and for assistance in weed identification and control methods.

Road Cut Permits

A road cut permit is required for any work being done in the Crested Butte South Metropolitan District's roadways or easements. The road cut permit is required for the excavation contractor doing the work in the roadways or easements, not the general contractor or homeowner. The road cut permit fee of \$50.00 is nonrefundable. Failure to obtain a road cut permit prior to start of work may result in a fine of up to \$1,000.00, and all work must stop until the fine is paid in full by the violator. When a road cut permit is allowed in paved and gravel roadway surfaces, the disturbed area shall be repaired to **(its original condition)** within forty-eight (48) hours from the time of excavation. Pre-approval must be made by the District Manager if for any reason repairs are not made within this timeframe. Failure to complete final clean up **(back to original condition)** within this timeframe shall result in the District performing the clean-up, and the violator being responsible for all costs thereof.

Guidelines for Successful Construction in Road Easement and Utility Easements

1. No ditch can remain open for more than 48 hours. The District is not responsible for open excavations, and the excavation contractor performing the work hereby agrees to indemnify the District from any and all damages or claims resulting from any such open excavations. Excavation in District road easements cannot remain open overnight. Failure to have ditches backfilled and compacted by 5:00 p.m. will result in a \$1,000.00 fine per night.
2. All District driving surfaces shall be backfilled with $\frac{3}{4}$ - 1 $\frac{1}{2}$ washed or screened rock or flow fill. This includes BOTH PAVED AND GRAVEL ROADWAY SURFACES, with the top lift being $\frac{3}{4}$ " road base at least 6" deep. The road base shall be class 6 $\frac{3}{4}$ road base from McCabe's Lane pit in Gunnison. The owner is responsible for repairing any settled ditches. Please call for inspection of top 6" of gravel in road cuts at 970-349-5480. $\frac{3}{4}$ " washed rock, $\frac{3}{4}$ road base for road surface repair and $\frac{3}{4}$ or 1 $\frac{1}{2}$ washed or screened rock for backfilling must be on-site before construction can commence. If flow fill is going to be used it shall be ordered for same day before digging starts. Road easements shall be compacted to 90% density (from edge of road to start of private property). It is the contractors' responsibility to haul off all spoils from excavation.
3. The project is not complete and shall not be signed off on by the District until all locate flags and whiskers are cleaned up. If the contractor has left the subdivision, the District will clean up the flags and whiskers with a fee of \$200.00 billed to the contractor.
4. Storing materials on public easements or road surfaces is not allowed. When gravel is brought in for roadway surfaces it shall be dumped and spread same day. No construction materials shall be in the roadway surface overnight. Failure to comply with this requirement shall result in a \$1,000.00 per night fine, unless otherwise approved by District Manager in advance.
5. All service line taps MUST be bedded with a minimum of 6" of $\frac{3}{4}$ " washed rock at the main. Road base can no longer be used to bed at the main. It is recommended to bed the entire service line with the $\frac{3}{4}$ " washed rock but this is only required by the District at the tap.
6. Topsoil is not considered bedding.
7. All service lines will be in separate ditches a minimum of 10 feet apart in straight alignment.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

8. The curb stop will be located 5 feet from the property line if on the street and 10 feet from the property line if in the easement. Prior approval is necessary for alternative placement if this is not possible.
9. No service lines shall be laid parallel to or within three feet of any bearing wall.
10. The District will endeavor to inspect all service lines within 24 hours of an inspection request. Service lines must be inspected before being bedded and backfilled.
11. Any damage to the District's water and sewer system or road right of way will be the responsibility of the excavation contractor performing the work, the general contractor for whom such contractor is working, and ultimately, the owner for whom the work is being done. Damage to District's water and sewer mains or owner's service lines must be reported immediately to 970-349-5480.
12. All work shall be performed in compliance with the rules and regulations of the District and the United States Occupational Safety and Health Administration.
13. Final grade on the property must not interfere with any drainage or any other aspects of the road in the District's road easement. No landscaping or other improvements are permitted in the District's road easements so that the District has the ability to maintain roads properly. This includes fences, berms, trees, rocks, etc. The District is not liable for damage to anything that is located in the road easement.
14. Digging in the District's easements and tapping the District's mains will not be allowed after October 15th or before May 1st of any year. All road cuts made with the intent of tapping into the District's sewer or water mains must commence no later than 9:00 a.m.

**CRESTED BUTTE SOUTH METRO DISTRICT
PERMIT APPLICATION FOR WORK IN RIGHT-OF-WAY**

Date Application Received:_____ Construction Completed on or Before:_____ Permit#:_____

Payment: Fee:_____ Cash:_____ Check#:_____

Road Surface: ☐ Asphalt ☐ Chloride/Gravel ☐ Gravel ☐ Native

Depth of Trench: ☐ 2 Feet ☐ 3 Feet ☐ 4 Feet ☐ 5 Feet ☐ 6 Feet ☐ 6+ Feet

Permission is hereby requested to perform utility construction work within the right-of-way of District road know as:_____ Specific work location:_____

Type of Work: ☐ Phone ☐ Electric ☐ CATV ☐ Gas ☐ Water/Sewer ☐

Other_____

Excavation Type: ☐ Boring ☐ Plowing ☐ Backhoe/Excavator ☐

Other_____

Comments and Additional Conditions:

LOCATION OF THE PROJECT
NO UTILITY INSTALLATIONS WITHIN DISTRICT RIGHT-OF-WAY WILL BE ALLOWED AFTER
October 15th OR
BEFORE MAY 1ST OF ANY YEAR
READ CAREFULLY

This permit is granted expressly subject to the conditions, specifications, fines, and penalties set forth by the Crested Butte South Metro District (the “District”) Rules and Regulations, Appendix I: Construction of Utilities within Road Right-of-Way (the “Rules”)

- All labor and materials shall be furnished by the applicant, contractor, developer, owner, or governmental agency requesting or performing the work (as applicable, and collectively, the “Permittee”), and the Permittee hereby assumes all responsibility and liability for any and all damages or claims resulting from said installation, hereby indemnifies the District for any and all damages or claims resulting from said installation, including but not limited to any costs of suit and attorney’s fees incurred by the District, and hereby agrees to pay for any and all repairs that must be made to this portion of the roadway or right-of-way resulting from installation for the life of the utility.
- In the event any changes are made in said roadway or right-of-way in the future that would necessitate the removal or relocation of said installation, the Permittee will do so at their own expense upon written request from the District.
- The Permittee represents that it, its employees, agents, and subcontractors are covered by workmen’s compensation insurance.
- This understanding and agreement will be binding upon your respective heirs, executors, administrators, successors, and assigns, as applicable.
- The permittee agrees that permittee shall pay the District’s costs and attorney’s fees for enforcement of the requirements of this permit.
- When an open road cut permit is allowed in paved roadway or gravel roadway, the disturbed area shall be repaired within 48 hours from time of excavation, unless a written waiver is provided by the District Manager.
- All trenches shall be compacted and backfilled in the roadway the same day. Any exceptions will need to be pre-approved, in writing, by the District Manager.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- All traffic control will be the Permittee's responsibility at Permittee's expense and conducted in accordance with the Rules.
- Any full road closures must be approved and executed by the District.
- All road cuts made with the intent of tapping into the District's sewer or water mains must commence no later than 9:00 a.m.
- Failure to complete final cleanup (back to original condition) within 48 hours from time of excavation shall result in the District performing the clean-up, and the Permittee being responsible for all costs thereof.
- A \$50.00 fee will be required with this permit application for work in right-of-way.
- The project is not complete and will not be signed off on until all the locate flags and whiskers are cleaned up. If contractor leaves the subdivision, the District will perform the necessary clean-up and bill the Permittee a fee of \$200.00.

I acknowledge that I have read this application and the Rules. All of the information provided herein is correct under penalty of perjury. I personally, and on behalf of Permittee, agree to comply with the Rules, all conditions and requirements contained herein, as well as any additional special conditions and requirements the District imposes on the issuance of this permit. Permittee and I agree to comply with any and all governmental codes, regulations, ordinances, laws, and/or restrictions that apply to this project. Permittee and I understand that failure to comply with the foregoing may result in legal action against me and Permittee.

Business Name:

Crested Butte South Metropolitan District Approval:

Mailing Address:

Print Name:

Date:_____

Date:_____

Signature:

Print Name:

APPENDIX J

POLICY FOR CONSTRUCTION SITE GUIDELINES

Construction

The following rules and regulations apply to the construction of all improvements within Crested Butte South, Filings 1-4.

Construction Hours

Construction activity that is likely to generate noise which is audible beyond the property boundary, such as hammering, sawing, excavation work, and concrete or material deliveries, must be confined to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, from 8 a.m. to 5 p.m. on Saturday, and from 9 a.m. to 3 p.m. on Sundays, or as may be further restricted by The Crested Butte South Property Owners Association from time to time. Additionally, the use of heavy equipment is prohibited on Sundays.

Stop Work Authority

The District Manager or their representative shall at all times have the authority to stop all work on any construction site within Crested Butte South. Contractors or contractor's personnel violating any of the provisions of Appendix J or of the Rules and Regulations shall be just cause for stopping all work. A stop work order will be issued directly to the lot owner in writing and posted at the work site.

Construction Trailers, Portable Field Offices & Contractor Designation Signage

No trailer capable of habitation or containing living quarters shall be parked on any lot or street governed hereby for more than one consecutive overnight period; provided, however, that a trailer or trailers, used temporarily by a construction contractor or sub-contractor as an office, supply facility, tool room or warehouse, may be located completely within any lot during the actual period of construction

Storage of Materials and Equipment

Owners or contractors are permitted to store construction materials and equipment on an approved construction site during the construction period. All equipment and materials shall be neatly stored or stacked, properly covered, and secured. Owners or contractors will not disturb, damage, trespass or store materials or equipment on adjacent lots, roadway right of ways or utility easements. Storage of materials and equipment must be completely within the property associated with the Building Permit.

Debris and Trash Removal

Owners and contractors shall clean up all trash and debris daily. Any trash or debris blown from the site shall be cleaned up daily. Trash and debris shall be removed from the site once the receptacles are reasonably full. **Receptacles may not be stored in the road easement overnight.** All owners and contractors are prohibited from dumping or burying trash on any site throughout Crested Butte South. Burning of construction debris is not permitted in CB South.

Parking Areas

Construction crews or other construction personnel shall not park on adjacent properties and are permitted to park on the roadside within property line and must allow for two-way traffic, but not on an

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

overnight basis. Please consider safety and use caution on where you park your vehicles on the roadside. You may be required to move your vehicles periodically for safety concerns, snow plowing or road maintenance.

Concrete

Following concrete delivery to construction sites, concrete trucks may not clean trucks or dump excess concrete in the roads, adjacent properties, and right of ways or easement.

Snow

All snow must remain and be stored within the property associated with the Building Permit.

Damaged Property / Restoration of Property

Damage to or scarring of other properties, including but not limited to other lots, roads, driveways, or other improvements is not permitted. If damage occurs, the person responsible will repair it promptly. The owner of the lot upon which improvements are being constructed shall be responsible for damage and other violations of these construction regulations caused by such owner's contractors, sub-contractors, employees, agents, or other representatives.

Upon the completion of construction, each Owner and his or her General Contractor shall clean the site and repair all property which has been damaged, including but not limited to reshaping and revegetation of disturbed grades, and the repair of streets, driveways, pathways, drains, culverts, drainageways, signs, lighting, and fencing.

In addition, each Owner and his or her General Contractor shall be held financially responsible for the cost of the site restoration or revegetation and refuse removal necessitated upon any adjacent or neighboring property as a result of trespass or negligence by their construction personnel, subcontractors, or material suppliers.

Health and Safety Compliance

All applicable statutes, ordinances, or rules pertaining to health and safety, including all applicable provisions of the Occupational Safety and Health Act (O.S.H.A), and restrictions pertaining to the handling or disposal of hazardous materials and toxic substances, or waste must be observed and obeyed throughout the construction process.

Sanitary Facilities

Each Owner or General Contractor shall be responsible for the provisions of adequate sanitary facilities for the use of jobsite personnel, throughout the active construction process. Each portable toilet shall be situated within the property lines in the location approved on the construction staging plan. Each toilet must be emptied or exchanged as often as is necessary to prevent the attraction of insects or the generation of objectionable odors. **Sanitary facilities may not be stored in the road easement.**

Firearms

The possession or discharge of any type of firearms by construction personnel anywhere within the CB South Subdivision is prohibited.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

Alcohol and Controlled Substances

The consumption of alcoholic beverages or the use of any controlled substance by construction personnel within the CB South Subdivision is prohibited.

Pets

No pets may be brought to or onto a construction site, except by the Owner of the property; all pets brought to the site by an Owner must be appropriately leashed or restrained.

Conduct and Behavior

All property owners in Crested Butte South shall be responsible for the conduct and behavior of their representatives, builders, contractors, and sub-contractors. Please consider the impact on the community when creating excessive noise levels, and refer to the CB South Noise regulation for specific guidance.

Be a Good Neighbor!

There is no question that the construction of each “next new residence or business” is disruptive to its surrounding neighborhood. By its very nature, building is a noisy, dusty, traffic-generating activity. We acknowledge that it is impossible to eliminate all the annoying aspects of construction; but we also know that the level of annoyance can be significantly reduced by the builder who maintains a mindful respect and regard for the sensibilities of nearby residents. For example, whenever possible, schedule a noisy delivery or activity through the middle of the day, instead of at dawn’s early light when others might still be asleep, or during the fading twilight when others might be sitting down for a quiet dinner. Remember that your fellow Owners or even their renters should not have to forfeit their rights to enjoyment of Crested Butte South for the construction of your new home or business.

When neighbors are treated with respect they will become more tolerant. The Crested Butte South Metropolitan District receives fewer complaints, and your construction progresses to completion with fewer corrective interruptions. So, be a good neighbor, it is best for us all!

Non-Compliance Assessment Procedure and Penalties

Upon violation of any construction site guideline the District Manager or their representative shall issue a written Notice of Violation which will be delivered to the customer at the jobsite who has been found to be violating the provisions of these guidelines. The Notice Violation shall specifically state the manner of the violation and the penalty for such violation as set forth below.

PENALTIES FOR VIOLATIONS

All penalties apply to all sections above.

First Violation: Written Notice of Violation

Second Violation After Written Notice: \$250 + \$100/day

Any Violation After Second Violation: \$500 + \$100/day

Owner will be liable for penalties for violations specified above. The penalty for said violation/s will be billed to the owner’s account, per the District’s records, payable within fifteen (15) days from the date appearing on the statement. All bills not paid within fifteen (15) days from the statement date are delinquent, and the District shall have the right to assess an interest charge of 1% per month on the unpaid balance from the statement date.

OBJECTION TO NOTICE OF VIOLATION

Any customer objecting to any Notice of Violation, or the penalty imposed thereby, may, within 10 days after such notice is mailed to the customer, file a written objection with the District Manager. Failure to timely object to any Notice of Violation shall be deemed a waiver of any objection to such notice or the penalty imposed thereby.

HEARING ON OBJECTION

Upon filing such written objection, the Board shall at its next regular meeting, hear such evidence as the District Manager and customer may present evidence concerning such violation in accordance with such rules as the Board may establish. If the Board finds that a preponderance of the evidence supports a finding that the alleged violation occurred and the penalty imposed was appropriate, then the Notice of Violation shall stand, and the penalty imposed thereby shall be imposed. Otherwise, the Board may strike or modify the Notice of Violation and/or penalty imposed in accordance with the evidence presented.

Owners and Contractors Statement

The Property Owner and their contractors acknowledge that they have:

1. Read the Crested Butte South Rules and Regulations,
2. Have had the opportunity to seek clarification on any provision we believe requires additional explanation,
3. Agree to comply with said regulations during the course of construction, and
4. Understand the procedure and schedule of non-compliance penalties.

We understand that compliance with the Construction Regulations is our responsibility and that we will be liable for all actions of our contractor, subcontractors, and their representatives.

Signed (Owner)

Print Name of Owner

Signed (Contractor)

Print Name of Contractor

Date

This statement must be signed before the tap fee receipt will be issued.

PLEASE NOTE: The Crested Butte South Metropolitan District, through its designated representative, reserves the right to inspect the site at any time during construction without notice.