

Brush Creek Metropolitan District Rules and Regulations

Dated 07/06/2021

Article I General Regulations

- 1.1 **Purpose.** These Rules and Regulations are necessary to promote the health, safety, and general welfare of the inhabitants of the District and will govern the management and operation of the Brush Creek Metropolitan District.
- 1.2 **District Services.** The District provides potable water service, trash collection, road maintenance and weed control.
- 1.3 **General Definitions.** The following terms, as used herein, are defined as follows:
 - 1.3.1 **District Bookkeeper** means the person designated by the Board as the bookkeeper for the District accounting records.
 - 1.3.2 **District Manager** means the person designated by the Board as the manager of the operations of the District.
 - 1.3.3 **District Water System Operator** means the person or entity designated by the Board as the Operator the District potable water system.
- 1.4 **Water Definitions.** The following terms as used herein, are defined as follows:
 - 1.4.1 **Air Gap** shall mean the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of said vessel. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel, and in no case less than 1 inch. When an air gap is used at the service connection to prevent the contamination or pollution of the District potable water system, an emergency bypass shall be installed around the air gap system and an approved reduced pressure principle device shall be installed in the bypass system.
 - 1.4.2 **Approved Backflow Prevention Device** shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association entitled *AWWA C-506-78 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices*, and have met completely the laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California established by Specifications of Backflow Prevention Devices - #69-2. Final approval shall be evidenced by a Certificate of Approval issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCC&HR specifications dated March 1969 or the most current issue.

- 1.4.3 **Approved Testing Laboratory.** Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, University Park, Los Angeles, California 90007 has been qualified by the District to test and certify backflow preventers.
- 1.4.4 **Auxiliary Water Supply** shall mean any water supply on or available to the premises other than the District's water supply.
- 1.4.5 **Backflow Preventer** shall mean a device or means designated to prevent backflow or back siphonage.
- 1.4.6 **Back Siphonage** means the flow of water or other liquids, mixtures or substances into the distribution pipes of the District's potable water system from any source into the District water system.
- 1.4.7 **Cross-Connection Inspector** and/or Tester shall mean a person who has passed a State approved testing and/or inspection course and who is listed by the State as a certified inspector and/or tester.
- 1.4.8 **Check Valve** shall mean a self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.
- 1.4.9 **Colorado Department of Health Cross-Connection Control Manual** shall mean a manual that has been published by the State addressing cross-connection control practices, which will be used as a guidance document for the District in implementing a cross-connection control program.
- 1.4.10 **Connection Permit** shall mean written permission of the Board to connect to a water line of the District, pursuant to these Rules and Regulations.
- 1.4.11 **Cross-Connection** shall mean any protected, actual or potential connection or structural arrangement between the District's or a customer's potable water system and other source or system through which it is possible to introduce into any part of the potable system any substance, other than the intended potable water, with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which backflow can or may occur, are considered to be cross-connections.
- 1.4.12 **District Water Service Line** shall mean the tap to the water main, the curb valve and the water line between the tap and curb valve, all of which are the property of the District.
- 1.4.13 **Double Check Valve Assembly** shall mean assembly of two independently operating approved check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications and approval of a recognized and District-approved testing establishment for backflow prevention devices. To be approved, these devices must be readily accessible for in-line maintenance and testing.

- 1.4.14 **Private Water Service Line** shall mean the water line from the curb valve or the property line, whichever shall be closest to the District main, to the premises being served.
- 1.4.15 **Reduced Pressure Principle Device** shall mean an assembly of two independently operating, approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of a recognized and District-approved testing establishment for backflow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two check valves at a level less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between then two check valves shall be less than the pressure on the public water supply side of the device. In case of leakage on either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is 2 pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these devices must be readily accessible for in-line maintenance and testing and be installed in a location where no part of the device will be submerged.
- 1.4.16 **Undefined Terms referring to the District water system** shall mean any other term not herein defined, shall be defined as presented in the “Glossary Water and Sewage Control Engineering,” A.P.H.A., A.S.C.E and W.P.C.F., latest edition.
- 1.4.17 **Vacuum Breaker, Atmospheric Type** shall mean a vacuum breaker which has a moving element inside, which during flow prevents water from spilling from the device and during the cessation of flow, drops down to provide a vent opening. The atmospheric vacuum breaker cannot be installed where there can be back pressure, only where there can be back siphonage. This device should not remain under pressure for more than 12 hours in any 24-hour period, and shall not have any shutoff valve downstream.
- 1.4.18 **Vacuum Breaker, Pressure Type** shall mean a vacuum breaker that can be installed where there can be back pressure. The pressure vacuum breaker may have shutoff valves downstream.
- 1.4.19 **Water Main** shall mean any water line owned by the District.
- 1.4.20 **Water Service Connection** shall mean the terminal end of a private water service line at the connection with the District water main.
- 1.5 **Water System.** The following general regulations shall apply to the District potable water system:
- 1.5.1 **Purpose.** The District water system shall apply to provide potable water service to its customers.

- 1.5.2 **Water Supply Agreement.** The District is the owner of 0.841 C.F.S. of water that is treated and delivered to the District under a certain Water Supply Agreement, as amended, with the Snowmass Water and Sanitation District, a Colorado special district. Pursuant to the terms and conditions of the Agreement, the District may serve a maximum of 143 residences and must comply with water conservation practices and curtailment of use and water rationing that is imposed on the customers of the Snowmass Water and Sanitation District.
 - 1.5.3 **Fire Hydrants.** Fire hydrants are principally for utilization in the event of an emergency by emergency personnel. Under limited circumstances, fire hydrants may be utilized by other purposes with the prior express conditional approval by the Board of Directors and payment of applicable fees to the District.
 - 1.5.4 **Regulation of Usage.** Whenever there is a shortage of water, system operating failure, system repair, or emergency, the Board shall have the power to regulate and curtail water and sewage usage.
 - 1.5.5 **Damage to District Property.** No person shall, whether maliciously willfully, negligently or otherwise, break, damage, destroy, uncover, deface, make any connection without a permit, or tamper with any other structure, appurtenance or equipment of the water system, including hydrants.
 - 1.5.6 **Property Damage.** No claim for damage shall be made against the District by reason of any damage to real or personal property resulting from turning on or shutting off of service or a variation in system pressure.
 - 1.5.7 **Authority of District Manager.** The District Manager and other duly authorized representatives of the District with proper credentials shall be permitted to enter upon all properties at reasonable times within the District as necessary for the purpose of inspection, observation, measurement, sampling and testing and repairing any of the Water Mains or Service Lines.
 - 1.5.8 **System Operator.** The District will at all time employ or contract with an operator who possesses the appropriate operator's certification for operation of the District water system as issued by the Water and Wastewater Facility Operators' Certification Board.
- 1.6 **Facility Relocation Policy.** Relocation of District facilities shall be discretionary and not mandatory and shall occur only on terms and conditions approved in writing by the Board of Directors.

Article II

Water Service Policy

- 2.1 **Connection Permit Required.** Before a building permit or a plumbing permit is issued by Pitkin County, or any connection is made to the water mains, whichever shall first occur, a connection permit shall be obtained from the District and the required fees paid.

- 2.1.1 **Application for Permit.** Application for a connection permit shall be made to the District on forms furnished by the District, which shall include, without limitation, a copy of the plans and a description of the work to be done, the address of the property to be served, and the name of the Pitkin County licensed plumber to perform the work under the permit, and such other information as may be required by the District.
- 2.1.2 **Terms of Permit.** Upon issuance, the connection permit shall remain in effect for the same period as the building permit or plumbing permit issued by Pitkin County, for the project for which the connection permit is required, or one (1) year from the date of issuance, whichever is less.
- 2.1.3 **Inspection.** Prior to applying to Pitkin County for a Certificate of Occupancy or a Certificate of Completion, the holder of a connection permit shall contact the District and request a water conservation and compliance inspection and the licensed plumber identified in the application for the permit shall certify to the District that the water control flow fixtures and fittings installed comply with the requirements of these Rules and Regulations.
- 2.1.4 **Revocation of Permit.** Any connection permit may be revoked if the installation or use of the water service is not made in accordance with the provisions or these Rules and Regulations, and prescribed specification of the District, or any special condition of the permit.
- 2.1.5 **Separate Permit.** Not more than one (1) connection to the water mains shall be allowed under each connection permit.
- 2.1.6 **Other Permits.** No connection permit shall be considered to be authority for the making of any cut in a public road or street, or in lieu of a building permit required by Pitkin County, or any permit required by any regulatory body.
- 2.1.7 **Private Water Service Line Specifications.** The following specifications shall apply to installation and maintenance of all private water service lines:
- 2.1.7.1 **Connection.** Upon payment of the connection permit fees, the District shall install a water service line, including corporation cock and curb valve, extending from the District's main to a point within approximately ten feet (10') from an individual property line, at which point the curb valve will be located. Commencing at the curb valve or the property line, whichever shall first occur from the District main, the remainder of the water service line shall be installed by the customer and shall be considered a private water service line to be maintained by the customer in accordance with provisions of these Rules and Regulations.
- 2.1.7.2 **Installation/No Line Bleeding.** Water service lines shall be installed in a manner that bleeding of water is not necessary to prevent freezing.
- 2.1.7.3 **Material.** Only ¾-inch (¾") type K soft copper tubing with above ground silver solder joints or flare couplings shall be utilized; no underground solder joints are authorized.

- 2.1.7.4 **Minimum/Maximum Cover.** Service lines shall be buried with a minimum of eight feet (8') of cover, provided however, additional cover may be required at the specific location to avoid freezing. The maximum amount of cover shall not be greater than twelve feet (12').
- 2.1.7.5 **Backfill.** Backfill shall be properly compacted so that no lines will be broken by settlement and so that the surface will not be damaged in areas where the surface is improved. All backfill or cuts in public rights-of-way shall be in compliance with requirements of the District and Pitkin County.
- 2.1.7.6 **Excavation and Backfill Inspection.** Excavation, trench shaping, pipe bedding, and backfilling are subject to the approval of the inspector. No service lines shall be backfilled or covered until approved by the inspector.
- 2.1.8 **Private Water Service Line Maintenance.** Each customer shall be responsible for maintaining the entire length of the private water service line. Leaks in the service line shall be repaired by the customer within seventy-two (72) hours of notification of such condition, or the District shall have authority to repair the leak. In the event that the District repairs the leak, the customer shall immediately reimburse the District for the resulting repair costs. Such costs shall constitute a perpetual lien against the property until paid.
- 2.1.9. **Disconnections.** No water service line connected to a District shall be disconnected therefrom without the prior written approval of the District specifying the method, conditions and time of disconnection.
- 2.1.10 **Conditions of Service.** The following items shall apply to all water service connections:
- 2.1.10.1 **Pressure Reducing Valves.** Pressure reducing valves shall be furnished, installed and maintained at not greater than seventy-five (75) PSI, by the customer. The pressure reducing valve shall be located at an accessible location approved by the inspector.
- 2.1.10.2 **Water Meters.** To provide for equitable charge for water usage and to induce future water conservation, any customer required to obtain a connection permit shall install an adequate metering point and metering yoke in the water service line, if none presently exists. The District shall install a water meter, accessible at the metering yoke.
- 2.1.11 **Cross-Connection and Backflow Control.** The District water system shall have no cross-connection to any pipe, fixture, or supply containing water of a quality below the minimum general sanitary standards of drinking water supplied to the public, as promulgated by the Colorado Department of Health. An approved backflow prevention device shall be installed depending on type of hazard. Such a device shall be installed in all cases, before the first branch line leading off the private water service line, at an accessible location approved by the inspector, wherever any of the following conditions exist:

- 2.1.11.1 **Auxiliary Water Supply.** In the case of a premise having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the District.
 - 2.1.11.2 **Objectionable Substances.** In the case of a premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the District water system, including the handling of process waters and waters originating from the District water system which have been subject to deterioration in quality.
 - 2.1.11.3 **Internal Cross Connections.** In the case of a premises having internal cross connections that cannot be permanently controlled.
 - 2.1.11.4 **Intricate Plumbing.** In the case of intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes making it impractical or impossible to ascertain whether or not dangerous cross-connections exist.
- 2.1.12 **Type of Backflow Device.** The type of backflow prevention device shall depend upon the type of hazard which exists as follows:
- 2.1.12.1 **Reduced Pressure Principle Device.** In the case of premises where there is an auxiliary water supply which is not subject to any other provisions of these Rules and Regulations, the District water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention device.
 - 2.1.12.2 **Double Check Valve Assembly.** In the case of a premises where there is water or a substance that would be objectionable but not hazardous to health if introduced into the District water system, the District water system shall be protected by an approved double check valve assembly.
 - 2.1.12.3 **Air Gap Separation Device.** In the case of premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the District water system, the District water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention device.
 - 2.1.12.4 **Maximum Protection.** In the case of premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection inspection, the District water system shall be protected against backflow or back siphonage from the premises by the installation of an approved air gap separation or an approved reduced pressure principle backflow prevention device.

- 2.1.12.5 **Irrigation Systems.** The following guidelines relating to backflow prevention devices for irrigation systems shall apply:
- 2.1.12.5.1 A double check valve assembly may not be installed to serve multiple irrigation circuits in lieu of vacuum breakers on each individual irrigation circuit.
 - 2.1.12.5.2 A reduced pressure principle backflow preventer or air gap separation shall be required before any piping network in which fertilizers, pesticides and other chemicals or toxic contaminants are injected or siphoned into the irrigation system. A reduced pressure principle backflow preventer may be installed to serve multiple irrigation circuits in lieu of vacuum breaks on each individual irrigation circuit.
- 2.1.12.6 **Fire Systems.** In cases where the domestic water system is used for both drinking and fire fighting purposes, approved backflow prevention devices shall be installed to protect such individual drinking water lines as are not used for fire fighting purposes.
- 2.1.12.7 **Inspections.** It shall be the duty of the customer to have certified inspections and operational tests at least once per year, provided, however, the customer's system shall be open for inspection at all reasonable times to authorized representatives of the District and the certified cross-connection inspector to determine whether cross-connection or other structural sanitary hazards exist. In those instances where the District determines that a hazard exists, certified inspections may be required at more frequent intervals. The backflow prevention devices shall be repaired, overhauled or replaced at the expense of the customer whenever these devices are found to be defective. Records of such tests, repairs and overhauls shall be kept and made available to the District.
- 2.1.13 **Water Conservation Design and Fixtures.** It is the policy of the District to minimize the waste of water by requiring the use of low-flow plumbing fittings and fixtures. Such fittings and fixtures shall meet the standards set forth in Section 9-1.3-102(4) C.R.S. concerning low flow plumbing fixtures, those minimum standards set by Pitkin County and the Snowmass Water and Sanitation District. In the case of conflict between any of these standards, the standard requiring the least water usage will be utilized.
- 2.1.14 **Restriction on Use.** The District shall implement reasonably practicable water conservation measures during those times when surface water supplies are limited or as required to comply with the provisions of the Water Supply Agreement with Snowmass Water and Sanitation District.
- 2.1.14.1 To insure the proper functioning of the District's water system during periods of peak, demand and to promote water conservation

in outdoor watering practices, no watering shall occur between the hours of 10:00 o'clock a.m. and 3:00 o'clock p.m.

2.1.14.2 Watering shall be allowed on the days of each month during watering restriction period as designated by the District.

2.1.14.3 The maximum area that may be watered is one thousand (1,000) square feet of lawn or planted area.

Article III Rates and Charges

- 3.1 **Setting Fees.** The Board may increase or decrease the rates and charges of the District as it deems necessary for the best interests of the District, provided such rates and charges are uniform in each classification. The Board may establish different rates and charges for property classified by type or quantity of use.
- 3.2 **Combined Billing.** A single statement for all District services will be calculated quarterly and shall be payable quarterly the first day of each calendar quarter.
- 3.3 **Water Service Billing.** Statements for service fees and water meter fees shall be calculated quarterly.
 - 3.3.1 **Commencement of Service Fees.** Service fees shall commence on the first day of the calendar quarter following the issuance of a Connection Permit, or upon the first day of the calendar quarter following an actual connection by the Customer to District facilities, whichever shall first occur.
 - 3.3.2 **Metered Water Gallonage Fees.** Gallonage fees for water used shall be calculated quarterly and payable in arrears.
 - 3.3.3 **Additional Charges.** Charges for late payment of fees, penalties, fines or other unpaid amounts owing the District shall be added to a customer's quarterly statement.
 - 3.3.4 **Past Due Accounts.** A customer's account shall become past due if net paid in full within thirty (30) days of the statement date.
- 3.4 **Trash Service Billing.** All owners of real property upon which a structure exists will be billed quarterly for trash service.
- 3.5 **Nonpayment.** If statements are not paid within forty-five (45) days of the statement date, then the District may deliver a delinquency notice by depositing the notice of the United States Mail, postage prepaid, addressed to the delinquent customer's address as appears in the records of the District stating a deadline for payment to avoid discontinuance of service.
 - 3.5.1 **Disconnection Notice.** If the statement remains unpaid after the deadline for payment set forth in the delinquency notice, the District shall cause to be posted in a conspicuous place at the water service

location, a shut-off notice informing the customer that service will be shut-off if the statement is not fully paid by a period of time stated in the shut off notice, which time period shall be not less than seventy-two (72) hours from the time of posting. If the statement remains unpaid after the shut off payment deadline, then the District may shut off service to the delinquent customer.

3.5.2 **Turn-On Fee.** If services are discontinued due to nonpayment of a customer’s account, a turn-on fee will charged to reconnect the customer to the District’s facilities. Water connection fee \$150.00.

3.5.3 **Continuance of Service Fee.** All rates, fees, and charges for service provided by the District shall continue to be paid by the customer even after turn-off of the customer’s water private service line from the District’s facilities. A customer may be released from the obligation to pay all rates, fees and charges for service provided by the district, if, and only if, an actual disconnection of the customer’s water private service line from the District facilities occurs, and upon reconnection to the District facilities, the customer shall pay all applicable connection permit fees and system development fees.

3.6 **Liability for Payment.** Until paid, all rates and charges shall constitute a first and perpetual lien on or against the property being served. Any such lien shall be foreclosed in the manner provided by the laws of the State of Colorado, or collected when the unpaid rates and charges are \$2,000.00 or greater. All costs relating to the liens incurred by the District, including, without limitation, attorney’s fees and costs of suit, shall be paid by the customer. The District will hold both the occupant and the customer jointly and severally liable for all charged appurtenant to water service.

3.7 **Schedule of Rates and Charges.** (Subject to change with notification.)

3.7.1 **Water System Development Fee.** \$25,000.00

3.7.2 **Minimum Water Service Fee** per Quarter. \$125.00.

3.7.3 **Metered Water Rate** per Quarter

Quarterly Usage in Gallons ¹	Rate per 1000 Gallons <i>or part thereof</i>
0-12,000	\$7.00
12,001-30,000	\$8.00
30,001-70,000	\$10.00
70,001 – 130,000	\$35.00
Greater than 130,000	\$40.00

¹ Customers with multiple meters will be charged based upon the combined total usage of all meters.

3.7.4 **Trash Service** per Quarter. \$120.00

Article IV

District Organization and Operation

- 4.1 **Management of District.** The business and affairs of the District shall be managed by its Board of Directors and shall exercise all of the powers granted to it the Colorado Special District Act and laws of the State of Colorado
- 4.2 **District Manager.** The Board of Directors may employ or contract with a person or entity to manage the day-to-day operations of the District under the supervision of the Board. The Board hereby delegates to the District Manager all authority necessary and proper for the District Manager to operate the District on a day-to-day basis. The Board shall not actively participate in the day-to-day operations of the District, but shall act in a capacity as a Board of Directors of a corporation, and the District Manager shall act in a capacity of President of a corporation.
- 4.3 **District Bookkeeper.** The Board of Directors may employ or contract with a person or entity to provide accounting bookkeeping services under the supervision of the Board.
- 4.4 **Board of Directors' Meetings.** Regular meetings of the Board of Directors will occur on the 3rd Thursday of each month at 5:30 p.m. at a location in Pitkin County, Colorado designated in the month notice of meeting, or at such other time as is designated in the notice of meeting. Notice of Board meetings and the agenda will be posted conspicuously in two (2) places within the District and on the bulletin board in the Office of the Clerk and Recorder of Pitkin County, Colorado.
- 4.5 **Conduct of Board of Directors' Meetings.** In so far as is practical, Robert's Rules of Order shall be followed at meetings of the Board of Directors. The Board and the District Manager are subject to and shall comply with the provisions of all Statutes of the State of Colorado including without limitation those concerning Disclosure of Conflicts of Interest, Section 18-8-308 C.R.S., Section 24-18-101 ET. Seq. C.R.S., and Proscribed Acts Related to Contracts and Claims, Section 24-18-201 ET. Seq. C.R.S., as they presently exist and may hereinafter be amended.
- 4.6 **Officers.** The officers of the District shall include a President, Vice President, Secretary and Treasurer. The Board shall elect from its members a:
- 4.6.1 Chairman of the Board of Directors and President of the District; and
 - 4.6.2 Vice Chairman of the Board of Directors and Vice President of the District; and
 - 4.6.3 Treasurer of the District; and
 - 4.6.4 Secretary of the District.

- 4.7. **Elections of Officers.** The regular election of such officers shall be biennially at the first regular meeting of the Board following the biennial election of the Directors in such year.
- 4.8. **Financial Matters.** All District bank accounts and investments shall be maintained in the name of the District and shall be authorized investments of a governmental entity in accordance with the laws of the State of Colorado. The District Bookkeeper is authorized to transfer funds within the District's bank to various accounts held in the bank without the necessity of approval of the Board of Directors in advance irrespective of the amount of the transfer.
- 4.9. **Check Signing Authorization.** All checks shall require the signature of two Directors.