

ARTICLE 7 FEES AND CHARGES

7-1 GENERAL:

7-1-1 PURPOSES - The purpose of the fees and charges provided in this Article is to provide for the payment of all actual costs of operating, maintaining, repairing, replacing, and expanding the District System, such costs including without limitation a reasonable contingency fund. All such fees and charges are based upon the cost of providing the service for which such fees and charges are made and have been determined by the Board of Directors to be necessary for the recovery of all such costs.

7-1-2 LIABILITY - The fees and charges provided below are hereby imposed and assessed by the District for the purposes set forth in Section 7-1-1 and as more specifically set forth below. Such fees and charges are the personal, joint and several obligation of the owners of the property for which the applicable service is furnished, but the full amount of any such fees and charges shall also be a perpetual lien against any such property, as provided by Section 32-1-1001(1)(j), C.R.S. The District assumes no responsibility for any agreement made between Property Owners and their tenants, regardless of how made or whether the District has notice thereof. Notwithstanding the foregoing, any Plan Review, Inspection, or Disconnection/Reconnection Fee shall also be the personal obligation of any person who orders or requests the District to perform such work, even though such person may have acted in a representative capacity when doing so.

7-2 TAP FEES or SYSTEM DEVELOPMENT FEES: For the purpose of enabling the District to defray all costs incurred in making water or sewer service available through a Tap or service connection to the District System and to provide for capital expansions of the District System, there is hereby imposed a Water System Development Fee and a Sewer System Development Fee in amounts determined by the District Board of Directors from time to time and set forth in the Appendix, which shall be due and payable in full at the time application for a Tap Permit is made or a Building Permit is requested from the Arapahoe County Building Department.

7-3 PLAN REVIEW FEES: Plan Review Fees are charged whenever these Rules and Regulations require the District Engineer to review construction plans, whether for the construction of Water Service Lines, Sewer Service Lines, Water Mains, Sewer Mains, tap connections, or any other proposed modification affecting the Water System or the Sewer System. The amount of the Plan Review Fee is based on the hourly rates of the District Engineer and/or the District's maintenance personnel and reflects the amount of time expended on the project. The person requesting or needing the plan review shall deposit an amount estimated by the District to cover the fee for such plan review, set forth in the Appendix. A schedule of the applicable hourly rates shall be on file in the District Manager's office. Additional deposits will be required as needed based upon the District's further and ongoing estimate of actual costs, and the processing of the Plan

Review will be suspended until any required additional deposit is made. Any deposit of Plan Review Fees paid in excess of the District's actual costs in performing the plan review will be refunded within sixty (60) days of acceptance of the plans by the District and any other agency requiring review. (Cross reference: 6-6 PLAN REVIEW AND APPROVAL)

7-4 INSPECTION/OBSERVATION FEES: Whenever any provision of these Rules and Regulations requires or provides for an inspection or construction observation by the District, the person liable therefor shall reimburse the actual costs incurred by the District for such inspection/observation. The applicable hourly rate shall be as set forth in the Appendix. The person requesting or needing the inspection/observation shall deposit an amount estimated by the District to cover the fee for such inspection when the request for or notice of the needed inspection is made. Any unused portion of the deposit will be refunded. At least \$1,500.00 shall be kept on deposit at all times until the project is completed. If the deposit account falls below \$1,500.00, the deficit will be invoiced to the responsible party, and the account must be replenished before further inspections will be made. (Cross reference: 7-18 WITHHOLDING APPROVALS, ACCEPTANCES AND PERMITS)

7-5 NO CONSTRUCTION WITHOUT DEPOSITS: Construction shall not commence on any project requiring plan review or inspection by the District until deposits have been made in accordance with Sections 7-3 and 7-4 above.

7-6 INCLUSION FEES: Any person who petitions for inclusion of his property into the District pursuant to Section 32-1-401(1), C.R.S. and Article 4 above shall pay the fees and charges as determined by the District Board of Directors from time to time, as well as actual costs incurred by the District in processing the Petition for Inclusion, payable regardless whether the property is actually included. Petitioner shall make a deposit in the amount set forth in the Appendix such costs when the Petition for Inclusion is filed. Any unused portion of the deposit will be refunded, and any deficit will be invoiced to Petitioner within 30 days of recordation of the Inclusion Order of the District Court. (Cross reference: 4-1-6 Costs Deposit)

7-7 SWIMMING POOL SERVICE FEES: An annual Swimming Pool Services Fee is assessed for discharging swimming pool filter effluent into the Sewer System. Such fees, the amount of which shall be determined from time to time by the Board of Directors and set forth in the Appendix hereto, shall be submitted on a yearly basis, together with an application for a Swimming Pool Permit which shall, when completed and approved by the District, specify the times during which such discharge into the Sewer System may occur. (Cross reference: 5-10 SWIMMING POOL PERMIT)

7-8 SPECIAL SERVICE FEES: A Special Service Fee is assessed for water used pursuant to an approved permit for special water service through fire hydrants, and for any other special water or sewer services provided pursuant to any agreements

between Property Owners and the District. The amount of the Special Service Fees shall be determined on a case by case basis.

7-9 TURN-OFF AND TURN-ON FEES: A Turn-Off and Turn-On Fee will be assessed per service each time a Property Owner requests the District to turn water service off or on because of vacations, vacancy for rental, etc. Turn-Off and Turn-On Fees will also be charged if the District discontinues or resumes any services as a result of the Property Owner's tardiness in payment of District charges. Only District personnel may turn services off or on. Property Owners who turn off or turn on their service connection(s) will be assessed a penalty for doing so. Turn-off and turn-on fees are set forth in the Appendix hereto.

7-10 WASTEWATER CHARGES: Wastewater Charges are billed on a monthly basis. The amount of the Wastewater Service Charge is determined by the Board of Directors from time to time, taking into account the charges made by MWRD to the District for wastewater treatment services, and the District's costs of operating, maintaining, repairing, and replacing the District Sewer System. Wastewater Charges are also referred to as "sewer service charges" or "sewer rates."

7-11 WATER CHARGES: The Board will periodically establish a meter rate for the metered customers served. Billing charges will be calculated on the basis of the amount of water used and the appropriate rate. Metered rate charges are due and payable upon issuance of the bill therefor. Water Charges are also referred to as "water service charges" or "water rates."

7-12 METER TESTING FEES: If the Property Owner requests a Water Meter test to determine the meter's accuracy, the District shall charge a fee for such testing only if the meter is determined to be accurate. The amount of the Meter Testing Fee shall be determined by the Board of Directors from time to time and set forth in the Appendix hereto. If the meter is not working properly and needs repair, there will be no charge assessed for testing; however, the Property Owner will then be obligated to have the Water Meter repaired, at Property Owner's expense, within sixty days of the test in which the meter was found deficient. After such repair, the District will then retest the Water Meter at no charge. If the Property Owner refuses or fails to effectuate such repair within sixty days, the District will make the repair subject to reimbursement of costs in accordance with Section 7-14 herein.

7-13 DISCONNECTION/RECONNECTION CHARGES: Whenever any Water or Sewer Service is physically disconnected or reconnected by the District for any reason, the Property Owner or any other person liable therefor shall reimburse the actual costs incurred by the District for such work.

7-14 CURE CHARGES: Whenever the District cures any defect, deficiency, nonconformity or violation as provided in these Rules and Regulations, any person who

is responsible under these Rules and Regulations to cure such condition, or whose act or omission resulted in the necessity for the curative action, shall be liable and obligated to reimburse the actual costs incurred by the District for such undertaking. (Cross reference: 3-5 CURE OF VIOLATIONS; 9B-4 CURE OF DEFECTS)

7-15 CIVIL FINES PASS THROUGH: Any person who, by act or omission, causes the District to incur any fine or penalty assessment imposed by state, federal or other governmental authorities shall be fully liable to the District for the total amount of the fine so assessed.

7-16 DELINQUENCY CHARGES; COLLECTION COSTS; LIEN: Full payment of any and all fees or charges imposed or assessed by the District is due upon presentation of the District's invoice, unless these Rules and Regulations provide otherwise for notice or payment of any specific charge. The invoice shall be conclusively deemed presented to any person if personally served upon such person, or if mailed postage prepaid by first class mail addressed to such person in care of the Property Owner, at the service address or any other address for such person known to the District. Any amount so invoiced or otherwise due and payable will become delinquent 30 days thereafter, and the full amount of any delinquent balance shall thereafter bear interest at the maximum rate permitted by law. Additionally, the District may assess a separate delinquency charge to the maximum extent permitted by law. Any person liable for such fees and charges shall also be obligated to pay any and all costs of collection, including reasonable attorney fees and court costs, actually incurred by the District. Until paid, all rates, tolls, fees, charges, interest, penalties, and costs of collection shall constitute a perpetual lien on or against the property served. (Cross Reference: §29-1-1101 and 1102, C.R.S.)

7-17 MISCELLANEOUS COSTS AND EXPENSES: All costs and expenses of service incident to the installation and connection of water and/or sewer service shall be charged to the Property Owner. The Property Owner shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation of facilities and/or the provision of water and/ or sewer services. Further, all costs and expenses incident to any request, petition or application to the District, and not otherwise addressed in these Rules and Regulations, shall be reimbursed to the District by the person making the request, petition, or application, upon receipt of the District's invoice.

7-18 WITHHOLDING APPROVALS, ACCEPTANCES AND PERMITS:

Notwithstanding any provision of these Rules and Regulations to the contrary, the District may withhold permits, approvals, acceptances, or other authorizations from any person until all sums then due to the District from such person are paid in full.

7-19 LIABILITY FOR PAYMENT: The Property Owner and any tenants of the property are deemed equally liable for the rates, fees, and/or charges billed by the

District for providing water and/or sewer services to the property. The District assumes no responsibility for any agreement made between Property Owner and their tenants regardless of how made or whether the District has been notified of such agreement.

7-20 REVOCATION OF SERVICE: Service shall be revocable by the District upon non-payment of valid fees, or upon failure to comply with these Rules and Regulations. If the District has decided to disconnect sewer service, a written disconnection notice shall be posted on the property, announcing the District's intent to disconnect or block sewer service after 72 hours.

7-21 VARIANCE FEE: Whenever a variance from any provision of these Rules and Regulations is requested, a fee in the amount set forth in the Appendix shall be assessed to defray the District's costs in processing such variance. Such fees shall be paid whether or not the variance is granted.

7-22 DEVELOPMENT FEE: When the District extends a Main or makes any other System Improvement at District expense, each property connecting to such Main Extension or other System Improvement shall be assessed, prior to connection and in addition to the Tap Fee, a percentage of the District's Actual Costs of such Main Extension or other System Improvement. Such percentage shall be calculated by dividing the total square footage of the property seeking service by the total square footage of all the property connecting to or served by such Main Extension or System Improvement. (Cross reference: 2-2 ACTUAL COSTS; 6-11 DISTRICT SYSTEM IMPROVEMENTS)

7-23 STUB-IN FEE: An annual Stub-in Fee is assessed for reasonably necessary water during construction used pursuant to an approved permit for special water service through a stub-in, defined as all fittings and pipe necessary to extend the service line from the main to the property line. The amount of the Stub-in Fee is set forth in the Appendix. (Cross reference: 9A-15 STUB-IN PERMITS)