

RESOLUTION 2022-0922

**RESOLUTION OF THE BOARD OF DIRECTORS OF
COTTONWOOD WATER AND SANITATION DISTRICT
AMENDING ITS RULES AND REGULATIONS**

WHEREAS, Cottonwood Water and Sanitation District (“District”) is a special district and political subdivision of the State of Colorado, acting pursuant to certain powers set forth in the Colorado Special District Act, §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, the Board of Directors of the District is authorized to adopt, amend, and enforce rules and regulations for carrying on the business and affairs of the District, § 32-1-1001(1)(m), C.R.S.; and

WHEREAS, pursuant to Sections 3.5 (Ownership and Maintenance of Water and Sewer Service Lines); 3.6 (Defective Meters); 11.1 (Powers and Authority of Inspectors); and 12.4 (Revocation of Service) of the District’s Rules and Regulations (the “Rules”), the District describes ownership and maintenance responsibilities of water and sewer lines, responsibility for defective meters, inspection authority by District and instances providing for revocation of service; and

WHEREAS, the Board recognizes the necessity of the District to access the water meters for maintenance, repairs or replacements, to grant reasonable authority to its inspectors and representatives, and to revoke service under certain circumstances; and

WHEREAS, the District desires to amend the Rules to update the sections providing the District the ability to access water meters and create a plan of action if access is restricted by any means; and

WHEREAS, the District has conducted a public hearing on the proposed changes to the District’s Rules; and

WHEREAS, the Board finds that it is in the best interests of the public and the District to amend the Rules and Regulations as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF COTTONWOOD WATER AND SANITATION DISTRICT AS FOLLOWS:

1. The Board hereby amends the District’s Rules and Regulations, as shown in **Exhibit A**, attached hereto and incorporated herein. This amendment to the Rules is effective immediately upon adoption of this Resolution. The Board directs the District Manager to post this Resolution or update the Rules and Regulations posted on the District’s website to incorporate the amendment.

2. Except as set forth above, the Rules and Regulations remain in effect, without amendment.

Whereupon, a motion was made and seconded, and, upon a majority vote, this Resolution was approved by the Board.


ADOPTED AND APPROVED this 20th day of September, 2022.

COTTONWOOD WATER AND SANITATION
DISTRICT

ATTEST:



Linda Dillon, President



William C. Thomas, Secretary

Exhibit A

The following amendments will be made to the Rules and Regulations of Cottonwood Water and Sanitation District.

- 1) Section 3.5 and 3.6 will be amended as follows (deleted language is shown with a ~~strike through~~ and new language is underlined):

3.5 Ownership And Maintenance of Water And Sewer Service Lines: That portion of any water service lines extending from the curb stop to each building's or unit's water meters and any pipelines from the water meter to the building or unit, and the sewer service lines are the property and maintenance responsibility of the customer. However, both the curb stop and the water meter, excluding the outlet connection of the curb stop or the meter yoke, are the property of the District. That portion of the water service line from the water main to the curb stop is the property of the District. Leaks, stoppages or breaks in such portions of the service lines as are owned by the customer shall be repaired by the property owner within a reasonable period of time after discovery or notification of such condition by the District. If satisfactory progress toward repairing the said leak, stoppage or break has not been accomplished within such time period, the District Representative shall shut off the water service until the leaks, stoppage or breaks have been repaired. The District reserves the right to make the repair at the expense of the customer when, in the opinion of the District Representative, such repair is necessary to protect the health, safety and welfare of the inhabitants and visitors of the District. Said ownership shall remain valid whether the service lines are constructed, financed, paid for, or otherwise acquired by the District or by other persons. In the case of an emergency, as determined by the District Manager, District Engineer, District Water and Waster Operator or Representative, the District may shut off water service and make the repair without advanced notice to the customer or owner.

3.5.1 Inspection and Right of Access: The District Manager, District Engineer, District Water and Wastewater Operator, or Representative bearing proper credentials and identification of which can be confirmed by contacting the District's office at the phone number which is listed on the District's website (www.cottonwoodwater.org) shall have a reasonable right of entry to all private properties and buildings within the District during normal business hours or following the thirty (30) days' advanced written notice, except in the case of an emergency, from the District which is delivered to the customer or posted on the customer's door. The customer shall allow access to the property to repair, replace and/or otherwise inspect the water meter assembly and/or water service line, notwithstanding the water meter's operating condition and/or to inspect the sanitary sewer service lines and/or any potential cross-connection.

3.6 Defective Water Meters:

- 3.6.1** All water service shall be metered by the District. Removal, tampering, or bypassing a water meter shall be grounds for immediate termination of water service and imposition of costs and fines. No water service will be provided to any customer except through a meter. Meters, meter pits, covers, and all connections shall be installed by a licensed plumber and shall be subject to inspection by District employees or agents
- 3.6.2** It shall be the duty of all customers to notify the District office immediately if a meter is operating defectively. Upon such notice, the District shall be responsible for ~~the maintenance repairing or replacement~~ replacing the of all meters within 30 days.
- 3.6.3** If any water service meter shall fail to register in any period, the customer shall be charged the average of the same month over the prior two years as determined by the District as shown by the meter when in order.
- 3.6.4** If the meter is found to be damaged or tampered with, the District shall be responsible for repairing or replacing the meter within 30 days of receipt of notice of the damage and will charge the customer all costs associated with the replacement of the meter, plus a fine of \$1,000 reflected on the water bill.
- 3.6.5** The customer must maintain unrestricted access to the water meter assembly. If the District must take actions to reasonably expose the water meter, the District will not be responsible for any costs associated with drywall repairs, floor clean-ups or repairs or any other incidental costs to private property as the result of any necessary work to expose of the water meter.
- 3.6.6** **Enforcement:** In case of violation of this section, the District may revoke, disconnect, turn off service, require the responsible person to disconnect, or return or require the responsible person to return the District's system to its original condition, and shall require payment of all applicable costs, fees and charges provided by this section and any others noted by these Rules and Regulations. All costs associated with the violation, including any expense, loss, damage or attorney fees incurred by the District relating to such violation shall be paid by the responsible party, prior to the District providing any service to any property or facilities owned, leased or occupied by the responsible party, whether or not such property or facilities are directly involved in the violation of this section. The District may, in addition to other remedies provided for in this subsection, assess a charge against the customer and owner (if different from the customer) for the work required to clean or repair the District's facilities and add such charge to the customer and owner's water or sewer service charges. The Section shall not be construed to limit the rights of the District to pursue other fees, charges, remedies or forms of relief provided in these Rules and Regulations and by other applicable law.

2) Section 11.1 will be amended as follows (deleted language is shown with a ~~strikethrough~~ and new language is underlined):

11. **INSPECTIONS**

11.1 **Powers And Authority Of Inspectors:** The District Manager, District Engineer, District Water and Wastewater Operators, Superintendent or Representative bearing proper credentials and identification shall be permitted to enter all private properties within the District for the purposes of reading, inspecting, repairing and/or replacing water meters, meters and testing related to discharge to the public system, or inspection, observation, measurement, sampling, repair, maintenance of any portion of the water or sewer system facilities lying within said properties, and related matters.

3) Section 12.4 will be amended as follows (deleted language is shown with a ~~strike through~~ and new language is underlined):

12.4 Revocation Of Service: Water and Wastewater Sservice shall be revocable by the District upon non-payment of valid fees or charges owing to the District, and/or upon failure to comply with the Rules and Regulations of the District, or when the District Manager, District Engineer, District Water and Waster Operator~~Superintendent~~ or Representative determines that an emergency exists and such revocation is necessary to protect the health, safety and welfare of the inhabitants and visitors of the District, whether or not the violation in question relates to the provision or receipt of any particular services. The provision of District services is in this regard viewed as an integrated matter, and the violation of one section is considered a violation of the Rules and Regulations generally. It shall not be a defense to the revocation of all District services that only a portion of these Rules and Regulations have been violated. Accordingly, the violation of any part of these Rules and Regulations may result in the revocation of all services. In the event of non-compliance with the Rules and Regulations other than non-payment of fees or if it an emergency exists, the customer shall be given ten (10) days' notice of revocation, in order to provide an opportunity for correction of such non-compliance.