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

WHEREAS, Cottonwood Water and Sanitation District ("District") is a special district, political subdivision and quasi-municipal corporation 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 District is authorized to adopt, amend and enforce rules and regulations for carrying on the business and affairs of the District, § 32-1-1001(l)(m), C.R.S.; and

WHEREAS, pursuant to Section 8.6 (Use of Public Sewer System) of the District's Rules and Regulations (the "Rules"), all sewer service lines from commercial and industrial buildings or facilities must contain grease, oil, and sand interceptors unless the District determines otherwise; and

WHEREAS, the District desires to amend the Rules to include additional guidance for customers and owners as well as to provide for additional enforcement mechanisms to ensure grease, oil, and sand interceptors are properly operated and maintained; and

WHEREAS, the District desires to amend the Rules to clarify the requirements that customers and owners properly install and maintain backflow prevention devices as well as provide for additional enforcement mechanisms to ensure backflow prevention devices are properly operated and maintained; and

WHEREAS, the District has held a public hearing on the proposed amendment to the Rules at which it accepted comments from the public; and

WHEREAS, the Board finds that it is in the best interests of the public and the District to amend the Rules 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 Section 8.6 and Section 12 of the Rules as provided in **Exhibit A**, which is attached hereto and incorporated herein.

2. The Board hereby amends the Rules to clarify the requirements of backflow prevention devices as provided in **Exhibit B**, which is attached hereto and incorporated herein.

3. This amendment shall take effect immediately upon execution of this Resolution.

4. All provisions of the Rules not amended as provided in **Exhibits A and B** shall remain in full force and effect.

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

ADOPTED AND APPROVED this 20 day of March, 2014.

COTTONWOOD WATER AND SANITATION DISTRICT

By: _____
President

ATTEST:

_____
Secretary

Exhibit A

8.6.1. Grease, Oil and Sand Interceptors: Enforcement: If the District discovers the grease, oil, or sand interceptor is not properly maintained, the District will initiate procedures against the Customer and Owner (if different than Customer) responsible for the grease, oil, or sand interceptor to obtain compliance with these Rules and Regulations.

8.6.1.1. Notice of Violation: Whenever the operation or maintenance of a grease, oil, or sand interceptor is in violation of the provisions of these Rules and Regulations or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the District will issue a written notice to the Customer and Owner (if different than Customer) to correct the practice within seventy-two (72) hours of the notice. If the practice is not corrected within such time, the District may elect to clean the grease, oil, or sand interceptor and bill the Customer and Owner (if different than Customer) for any costs incurred in such cleaning. The District also may notify the Colorado Department of Public Health and Environment and turn off water service or disconnect the sewer service line from the sewer collection system, until such time as the violation has been cured and District has received adequate assurances of future compliance with the Rules and Regulations. Because operation of a grease, oil, or sand interceptor in violation of the Rules and Regulations may post an imminent hazard to health, safety, or welfare of the District-owned facilities, the District may immediately turn-off water service or disconnect the sewer service line. The Customer or Owner may request a public hearing regarding the District's intent to revoke service in accordance with Section 12.4.1. In addition, all of the costs incurred by the District, including any expense, loss, damage, or attorney fees, occasioned by such violation shall be charged against the property and, until paid shall constitute a perpetual lien against the property in accordance with Section 9.22.4.

8.6.1.2. Fees and Charges for Cleaning or Repair: In the event that an improperly operated or maintained grease, oil, or sand interceptor causes an obstruction, damage, or any other impairment to the District's facilities, the District may assess a charge against the Customer and Owner for the work required to clean or repair the District's facilities and add such charge to the Customer and Owner's sewer service charge. Pursuant to Section 9.22.4., all charges assessed under this subsection shall be a perpetual lien upon the property to which said service is provided or requested from the time when due until paid.

8.6.1.3. Inspection: The District Manager, Superintendent, or a Representative bearing proper credentials and identification may enter upon private property within the District for the purpose of inspection and maintenance of grease, oil, or sand interceptors and sewer facilities and may terminate service to the property in which a violation of any of these Rules and Regulations is found to exist pursuant to the procedures set forth herein and in Section 12.

Bold sections added to Section 12.1 and 12.2:

12.1. Prohibitions: No unauthorized person shall turn on service from, uncover, make any connection or reconnection with, opening into, extend, use, alter, or disturb any public water or sewer main facilities or appurtenances, or fail to comply with these Rules and Regulations, or construct a main line extension without first obtaining a written permit from the District, paying all applicable fees and charges and complying with all applicable Rules and Regulation of the District. **No unauthorized discharge of wastes, including the dumping or pumping of wastes directly into the District's manholes without the prior written consent of the District Manager, is permitted.**

12.2. Violations: In case of violation of this Section, the District may revoke service, 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 fees and charges provided by these Rules and Regulations and all costs associated with the violation, including any expenses, loss, damage or attorneys fees occasioned by such violation by the responsible person 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 facility and add such charge to the Customer and Owner's sewer service charge**. This 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.

COTTONWOOD

WATER AND SANITATION DISTRICT

C/O Mulhern MRE, Inc.
58 Inverness Dr. East, Suite 100
Englewood, CO 80112
Office 303-649-9857

Grease, Oil, or Sand Interceptor Inspection Form

Inspection Date: ____ / ____ / ____

Inspected by: _____

Business Name: _____

Business Phone: (___) _____

Type of Inspection: ☐ Grease trap ☐ Oil Trap ☐ Sand Trap

Inspection Results:
- ☐ Fail- Re-inspection scheduled on: ____ / ____ / _____
- ☐ Second Fail
- ☐ Pass

Comments:

The District has inspected your grease, oil, or sand interceptor and determined that it needs to be pumped. Failure to have your interceptor pumped puts you in violation of the Cottonwood Water and Sanitation District's Rules and Regulations which requires the installation and regular maintenance of an approved grease, oil, or sand interceptor.

To ensure compliance, representatives from the District will return at the above mentioned date. You are hereby requested to complete the following:

1. Contact your interceptor pumping company and request service.
2. Attach a copy of the pumping company's invoice to this notification.
3. Present this notification and invoice to representatives of the District when they return to re-inspect your interceptor.

If you have any questions regarding this inspection, please call the District inspector at _____

The undersigned representative of the business owner acknowledges receipt of a copy of this report and acknowledges that water service may be turned off and/or the sewer service line may be disconnected if the grease, oil, or sand interceptor is not properly maintained or operated in accordance with Cottonwood's Rules and Regulations. If the required work is not performed by the date indicated, the District can clean the grease, oil, or sand interceptor out or contract to have it cleaned out and bill the Customer or Owner for the cost.

Business Contact Name:	Title:
Signature:	Date:

Exhibit B

Add to Section 2: Definitions.

2.1.1 Backflow Preventer: An approved device or method designed to prevent backflow or backsiphonage into the public water supply by containing or isolating the owner's water system from the public water system. An approved device is manufactured in full conformance with the standards established by the Colorado Department of Public Health and Environment Cross Connection Control Manual and by the District.

Add new Section 6.6.

6.6 Backflow Preventers: Backflow preventers are required on all properties served by the District that use potable water for irrigation purposes. All backflow preventers and the installation of the same shall be approved by the District. The Customer and Owner shall install, operate, test, and maintain the backflow preventer as required by the District. The District reserves the right to test or otherwise inspect the installation and operation of any backflow preventer at any time. If the District discovers the backflow preventer is not properly operating and/or maintained, the District will initiate procedures against the Customer and Owner (if different than Customer) responsible for the backflow preventer to obtain compliance with these Rules and Regulations.

6.6.1 Commercial Customers: Customer shall provide the District, on an annual basis, with certified test results of the backflow preventer. Tests shall be performed on the device at a minimum of one (1) time per year or at any time the District reasonably believes that the backflow preventer may not be operating properly.

Test results shall be submitted to the District's office between April 1 and May 31 of every year and shall be in conformance with either the American Backflow Prevention Association ("ABPA") or the American Society of Sanitary Engineering ("ASSE") regulations. Customer or Owner (if different than Customer) is required to test the backflow preventer using a certified ABPA or ASSE tester. As of May 1, 2014, the District's "Backflow Assembly and Test Maintenance Report" will be the only accepted test report format. The report is available for download at www.cottonwoodwater.org.

6.6.2 All Customers – Residential, Multi-Family, and Commercial: Backflow preventers are to be installed in a location that is readily accessible to the District personnel so as to facilitate inspection, testing, maintenance, and repair. All backflow preventers shall be installed downstream of the water meter.

If unprotected cross connections exist on the property, or if any defect is found in an installed backflow preventer, or if a backflow preventer has

been removed or bypassed, service shall be discontinued to the property until such conditions or defects are remedied to the satisfaction of the District. Prior to such discontinuation of service, the District will provide seventy-two (72) hour Notice of Violation as detailed below, unless the backflow preventer may pose an imminent hazard to health, safety, or welfare of the District-owned facilities and its customers.

For backflow preventers operating irrigation systems, the District may suspend water service intended only for irrigation upon written notice to the Customer or Owner (if different than Customer) to correct the practice. The District will proceed to turn off water service until such time the violation has been cured and the District has received adequate assurances of future compliance with the Rules and Regulations.

6.6.3 Notice of Violation: Whenever the operation or maintenance of a backflow preventer is in violation of the provisions of these Rules and Regulations or otherwise causes or threatens to cause a condition of contamination, the District may issue a written notice to the Customer and Owner (if different than Customer) to correct the problem within seventy-two (72) hours of the notice. If the problem is not corrected within such time, the District may elect to fix the backflow preventer and bill the Customer and Owner (if different than Customer) for any costs incurred in such repair.

When a backflow preventer is in violation of the Rules and Regulations and, in the District's sole discretion, may pose an imminent hazard to health, safety, or welfare of the District-owned facilities and its customers, the District may immediately disconnect the water service line without prior notice. The Customer or Owner may request a public hearing regarding the District's intent to revoke service in accordance with Section 12.4.1.

6.6.4 Fees and Charges for Cleaning or Repair: In the event that an improperly operated or maintained backflow preventer causes or may cause a hazard to health, safety, or welfare of the District-owned facilities or its customers or any other impairment to the District's facilities, the District may assess a charge against the Customer and Owner for the work required to inspect, maintain, operate, and repair the backflow preventer. In addition, all of the costs incurred by the District, including any expense, loss, damage, or attorney fees, occasioned by such violation shall be charged against the property and, until paid shall constitute a perpetual lien against the property in accordance with Section 9.22.4.

6.6.5 Inspection: The District Manager, Superintendent, or a Representative bearing proper credentials and identification may enter upon private property within the District for the purpose of inspection, maintenance, and repair of the backflow preventer and may terminate service to the property in which a violation of any of these Rules and Regulations is found to exist pursuant to the procedures set forth herein and in Section 12.