

MESA CORTINA WATER AND SANITATION DISTRICT

RULES AND REGULATIONS

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**Mesa Cortina Water and Sanitation District
RULES AND REGULATIONS**

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ARTICLE I

100 - GENERAL PROVISIONS

- .01 - SCOPE: Except where revised, these Rules and Regulations shall be treated and considered as the continuing and comprehensive regulations governing the operations and functions of the Mesa Cortina Water and Sanitation District ("District"), and shall where revised supersede all previous regulations of the District. These Rules and Regulations shall be in addition to, and shall not supersede, the rules and regulations now existing or hereafter adopted of the Joint Sewer Authority ("Joint Authority"), and in the event of a conflict between the rules and regulations of the Joint Authority and the rules and regulations of the District, the more restrictive measure shall prevail. The Rules and Regulations of the Joint Authority are adopted and incorporated herein by this reference together with all amendments and addendums thereto.

- .02 - PURPOSE: The purpose of these Rules and Regulations is to provide a comprehensive guide for the administration and operation of all water, sanitation and other utility facilities or systems which are owned or operated by the District, including additions, extensions, and connections thereto. Compliance with these rules and regulations is the responsibility of all persons utilizing, extending, modifying, or maintaining the District's water and sanitation systems. Unless specifically undertaken herein, or by operation in specific cases, the District assumes no responsibility to oversee or supervise the activities of others in their accessing or use of the District's systems.

- .03 - POLICY: The Rules and Regulations hereinafter set forth will serve the public in securing the health, safety, prosperity, security, and general welfare of the inhabitants of the Mesa Cortina Water and Sanitation District.

- .04 - ADOPTION, AMENDMENT AND INTERPRETATION: These Rules and Regulations are adopted and subject to later amendment by action of the Board of Directors of the District. These Rules and Regulations are subject to change without notice. The Board of Directors may from time to time enlarge upon, delete, change or amend these Rules and Regulations at any time, at a regular, continued, or specially called meeting of the Board.

Whether stated in the body of this document or not, amendments which are declared in the minutes of the meetings of the Board of Directors, or effected by virtue of the entry by the Board into, or the amendment of, any agreement, shall be in full force and effect from the date of such declaration or agreement. Where these Rules and Regulations call for a determination by the Board as to their application or operation, or where additional action is necessary (i.e., the adoption of specific controls and guidelines) the Board shall do so by resolution at a regular or special meeting, and such resolution shall be made a part of the District's records and by its adoption shall be made a part hereof whether incorporated into the body hereof or not.

Any dispute as to the interpretation of these Rules and Regulations or as to their application in any given case shall be submitted to the Board of Directors and their decision shall be final. The District Administrator and/or District Manager shall have the authority to make interim decisions

on matters not covered by these Rules and Regulations. Such interim decisions shall be binding until ratified or altered by the Board of Directors.

Any person violating any of the provisions of these Rules and Regulations or those of the Joint Authority shall become liable to the District for any expense, loss or damage occasioned by reason of such violation, including, but not limited to, attorneys' fees and costs should they be incurred, and the Board shall assess a penalty against the property of the person violating the Rules and Regulations in an amount calculated to recover the loss or damage occasioned. All such expenses and amounts so assessed shall be deemed a charge of the District and may be enforced by means of a perpetual lien against the property served, which may be foreclosed in accordance with the provisions of these Rules and Regulations and Colorado law.

- .05 - NO RIGHTS CONFERRED: No provision of these Rules and Regulations, nor any amendment thereof by whatever method, shall be interpreted or construed as conferring any right, property or other, upon any individual or entity other than the District itself.
- .06 - DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS: All facilities built for the District shall conform to the design criteria, standards and specifications established by the District and the Joint Authority.
- .07 - MISCELLANEOUS:
 - a. Gender: Whenever required by the context, the singular shall include the plural, the plural the singular, and one gender shall include all genders.
 - b. Severability: The invalidity or unenforceability of any particular provision, sentence, phrase or word of these Rules and Regulations shall not affect the other provisions herein, and these Rules and Regulations shall be construed in all respects as if such invalid or unenforceable provision sentence, phrase or word were omitted.
 - c. Headings for Convenience Only: The headings used herein are for convenience only and in no way expand or contract the meaning or scope of any section

ARTICLE II

200 - DEFINITIONS

Unless the context specifically and expressly indicates otherwise, the meaning of terms used herein shall be as follows:

- .01 - ACTIVATE: To actually put a sewer or water Connection to use, or to put it in such a state as to be capable of being put to use.
- .02 - ACTUAL COST: All direct costs applicable to the construction of a given Main, Service line, or other facility including construction, engineering, inspection, plan approval fees, etc. which have been paid by the District, Constructor, Contractor, User or Customer in question. Actual Costs shall include, but not be limited to, the cost of acquiring rights-of-way, easements, valves, fire hydrants, wiring and any other appurtenances of the mains, service lines or facilities.
- .03 - AWWA: American Water Works Association.
- .04 - BACKFLOW: Back-flow means the reversal of the normal flow of water caused by either backpressure or back-siphonage.
- .05 - BOARD AND BOARD OF DIRECTORS: The duly elected or appointed Board of Directors of the District, which acts as the governing body of the District.
- .06 - CONNECTION: The connecting of a Service Line from the structure, which it is to serve to a Main.
- .07 - CONSTRUCTOR: The land owner(s), Developer(s), subdivider(s), or agency (ies) actually paying for the construction of drainage facilities or Mains.
- .08 - CONTRACTOR: Any person, firm or corporation authorized by the District to perform work and to furnish materials within the District.
- .09 - CROSS CONNECTION: The link or channel between a source of a non-potable substance and a potable water supply.
- .10 - CUSTOMER: Any person, organization, partnership, company, limited liability company, corporation, or governmental authority or agency authorized by the District to use the District's water, sewer, storm drainage, recreation, or transportation systems.
- .11 - DELETERIOUS WASTES: Any wastes contained in special or prohibited sewage that would be harmful to the District's sewer Mains or to the sewage treatment works to which the Mains connect.
- .12 - DEVELOPER: Any person who owns land and seeks to have the land served by the District.

- .13 - DISTRICT: The Mesa Cortina Water and Sanitation District, Summit County, Colorado.
- .14 - DISTRICT ADMINISTRATOR OR ADMINISTRATOR: The person or entity who has been designated by the Board to provide management and/or administrative services for the District, as the same may be defined by the Board. The District Administrator may designate representatives to carry out the management and/or administrative services defined by the Board.
- .15 - DISTRICT ENGINEER: That person who has been designated by the Board to do engineering work for the District.
- .16 - DISTRICT OPERATIONS MANAGER OR MANAGER: The person or entity who has been designated by the Board to provide management and/or day to day operation services of the District's Utility Facilities, as the same may be defined by the Board. The District Manager may designate representatives to carry out the management and/or day to day operation services defined by the Board.
- .17 - DUPLEX: A two-unit residential structure.
- .18 - EQR: The unit of measurement used by the District to define the capacity in the District's Sewage System and Water Works, and that portion of said capacity reserved unto a Customer through the payment of a Tap Fee, all as defined as of the date hereof by the Joint Authority.
- .19 - FEE SCHEDULE: The schedule of fees, rates and charges on file in the District's office, as it may be amended from time to time. The Fee Schedule may be a separate document or incorporated into the latest "Application for Water and Sewer Service."
- .20 - INDUSTRIAL WASTES: The wastes from industrial processes as distinct from sanitary sewage.
- .21 - INSPECTION FEE: The payment to the District for the inspection of the installation of the water/sewer Service Lines and water meter assembly by the District Manager.
- .22 - JOINT AUTHORITY: The Joint Sewer Authority.
- .23 - MAINS: Any pipe, piping or system of piping owned by the District and located in County or District roads or road rights of way, or in easements owned by the District, and used as a conduit in the District's water or sewage system.
- .24 - MAY: is permissive, SHALL is mandatory.
- .25 - PERMIT: Written permission of the Board of Directors or its authorized representative to connect or otherwise use or deal with a Utility Facility or other property of the District and pursuant to the Rules and Regulations of the District.
- .26 - PERSON: Any individual, firm, company, limited liability company, society, corporation, association, partnership, group, or governmental unit other than the District.

- .27 - PRETREATMENT FACILITIES: Structures, devices or equipment used for the purpose of removing the deleterious wastes from special sewage before it enters a District sewer Main or any facilities directly or indirectly connected to the Joint Authority's system.
- .28 - PUBLIC FIRE HYDRANT: A fire hydrant served by a District Main.
- .29 - RESIDENTIAL: Living unit limited to single family houses.
- .30 - SERVICE LINE: Any line, pipe, conduit, system of lines or piping, and appurtenances, used as a conduit for sewage or water service between a building (or, a lot or parcel) used for residential purposes and connected to a District sewer Main or water Main.
- .31 - SEWAGE: Organic or inorganic material in suspension or solution originating from within residential buildings.
- .32 - SEWAGE SYSTEM: All facilities owned by the District and used for collecting, treating, and disposition of sewage. As appropriate, and as the context indicates, the sewage system may include facilities relating to drainage.
- .33 - SEWER TAP: The right to make a Connection of a sewer Service Line to a sewer Main.
- .34 - SHALL: is mandatory, MAY is permissive.
- .35 - TAP: A right to connect a water or sewer Service Line to the Main or stub-out.
- .36 - TAP FEE: The initial fee paid by all properties within the District used to finance the construction of the water and sewer system.
- .37 - UNIT: A dwelling having at least one bath and one kitchen facility. All buildings shall be charged on the basis of equivalent residential units (EQRs) according to a schedule established by the Joint Authority. If the use of an existing building is changed, and the new use requires additional sewer capacity, then additional Taps must be purchased. The number of Taps required will be based on the schedule established by the Joint Authority. On a case-by-case basis, the District, based on consultation with or the standards of the Joint Authority, shall have sole discretion and power to define the terms "bathroom" and "kitchen facility".
- .38 - USER: Any person to whom water, sewer and/or other service is provided, be it renter, record owner, or other person.
- .39 - UTILITY FACILITY: The entire network of plants, buildings, equipment, Mains, and their appurtenances owned by the District in the provision of water, sewer, or drainage services, now or hereafter acquired.
- .40 - WATER METER ASSEMBLY FEE: The fee paid to the District to cover the cost of the water meter assembly and transponder, plus ten percent (10%).

- .41 - WATER TAP: The right to make a connection of a water Service Line to a water Main.
- .42 - WATER WORKS: All facilities owned by the District for transporting or distributing, storing, pumping, treating, or metering water.

ARTICLE III

300 - OWNERSHIP AND OPERATION OF UTILITY FACILITIES, POWERS OF AGENTS

- .01 - POLICY: The District is empowered and shall endeavor to distribute water for domestic use within the District, and to maintain, repair and replace the Utility Facility in a sound and economical manner, in accordance with these Rules and Regulations of the District and those of the State of Colorado, but shall not be liable or responsible for inadequate pressure or interruption of service brought about by circumstances beyond its control.

The District is empowered and shall endeavor to operate and maintain the Sewage System in a sound and economical manner, in accordance with these Rules and Regulations of the District, the Joint Authority and the State of Colorado, but shall not be liable or responsible for interruption of service brought about by circumstances beyond its control.

The District shall endeavor to plan for, capitalize and build adequate capital improvements as demand occurs; but the District shall not be liable or responsible for failure to approve additional service when capacity is exceeded or may be exceeded by demand or when such service is prohibited by a governmental entity with proper authority to make such a prohibition.

Prior to the construction of any facility which is intended to be submitted for acceptance by the District, and to be owned and/or operated and/or maintained thereby, complete, detailed, and reproducible construction drawings acceptable to the District shall be submitted to the District Administrator for approval, together with such other supporting documentation as may be required by the District. No facility will be accepted by the District if not constructed, installed, and/or provided in the manner set forth in these Rules and Regulations as the same may be amended from time to time.

- .02 - LIABILITY: The liability of the District shall be limited as provided in the Colorado Governmental Immunity Act, as the same may be amended from time to time. The Customer, by the acceptance of service from the District, enters into a contract in which the Customer agrees and expressly stipulates that service is provided by the District on condition that no claim for damage shall be made against the Districts by reason of the following: breaking of any Service Line or Main, pipe, cock, valve, wire, or water meter assembly by any person; 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 Lines or other facilities not owned by the District; damage to water heaters, boilers, or other appliances resulting from shutting water off, or from turning it on, or from inadequate or sporadic pressures; or from doing anything to the water system of the District deemed necessary by the Board of Directors or its agents; blockage in the Sewage System causing the backup of effluent; damage caused by "smoking" of Mains to determine drainage connections to District Mains; breakage of Service Lines or Mains by District personnel; or for interruption of water, sewer, or other service and the conditions resulting therefrom where said interruption of service is brought about by request of Customer, by action of the District where said action was deemed by the District to be necessary, or by circumstances beyond the District's control.

The District hereby reserves the right to cut off the domestic water supply or disconnect the sewer service or other service at any time, for any reason deemed appropriate including, but not limited to, any violation of these Rules and Regulations or Board policies as set forth in the District minutes.

.03 - OWNERSHIP RESPONSIBILITY: All existing and future water and/or sewer Mains and Sewage System and Water Works connected with and forming an integral part of the Utility Facility, as provided herein, shall become and are the property of the District. Said ownership will remain valid whether the water or sanitary sewer Mains and facilities are constructed, financed, paid for, or otherwise acquired by the District, or by other persons. The District shall have no liability associated with any facility not owned by the District.

a. Water Service Lines: With the exception of the water meter assembly, which is the property of the District, that portion of all existing and future water Service Lines extending from the Main including the tapping saddle and/or corporation stop shall become and are the sole property and responsibility of the Customer. The Service Line shall include those portions located within road rights of way and/or beneath road improvements.

b. Sewer Service Lines: That portion of all existing and future sewer Service Lines extending from the Main including the tapping saddle shall become and are the property of the Customer. The Service Line shall include those portions located within road rights of way and/or beneath road improvements.

.04 - POWERS AND AUTHORITY OF AGENTS: The District Administrator, District Manager or any duly authorized employee of the District Administrator, District Manager or the District, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of repairs, inspection, observation, measurement, sampling, and testing, or any other reasonable purpose in accordance with the provisions of these Rules and Regulations.

Except to the extent specifically authorized by the Board, no such agent or employee shall have any authority to bind the District in any manner, commit to do anything on behalf of the District, admit to any negligence, failure or indiscretion on the part of the District, or in any manner speak for and on behalf of the District.

ARTICLE IV

400 - WATER SYSTEM

- .01 - EXCAVATION OR DISTURBANCE OF MAINS: No unauthorized person shall uncover, make any connection with, or opening into, use, alter, or disturb any water Main or appurtenances without first obtaining a Permit from the District.
- .02 - PURCHASE OF TAPS: Connection size and service facilities must be sufficient to adequately serve the building or use, as determined by the District; however, the District shall incur no liability for an erroneous determination and shall retain the right to collect proper fees even in the event of an erroneous determination.
- .03 - RESPONSIBILITIES OF THE CUSTOMER:
 - a. Repair of Service Lines: Each Customer shall be responsible for maintaining the entire length of his water Service Line which includes the tapping saddle and/or corporation stop, curb box, curb stop and water meter assembly including any portion of the Service Line lying within road rights of way and/or beneath road improvements. Leaks or breaks in the Service Line, tapping saddle and/or corporation stop, curb box, curb stop, or water meter assembly shall be repaired by the Customer within twenty-four (24) hours from the time of notification of such conditions by the District. If satisfactory progress toward repairing the said leak or break has not been accomplished within such time period, the District shall shut off the Service Line until the leaks or breaks have been repaired. The District in its discretion, may proceed to repair the leak or break and charge the full cost therefor to the Customer plus ten percent (10%), which cost shall be a charge of the District and be enforceable by a perpetual lien against the property of such Customer to secure payment of such cost.
 - b. Pressure Variations: Customers have the duty 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.
 - c. Pressure Safety Devices: All persons having boilers or other appliances on their premises depending on pressure of water in pipes, or on a continual supply of water, 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.
 - d. Pressure Reducing Valves: Pressure reducing valves shall be installed with respect to all Service Lines connected to the District's water system. Such pressure reducing valves shall be installed at the Customer's expense.
 - e. Underground Irrigation Systems: All buried underground irrigation systems (sprinkler systems) shall have an approved back-flow prevention device installed.

- f. Back-flow Control: The back-flow of non-potable water, other liquids or foreign materials into the District distribution system is prohibited.
- g. Customer To Furnish Water Meter Assembly Location: The District shall, as a condition to the provision of service, have access to each property served for the purpose of exercising its authority under these Rules and Regulations. The Customer shall furnish a warm, lighted, accessible water meter assembly location, usually in the basement or a closet or compartment near the point where the water Service Line enters the building.
- h. Defective Water Meters: It shall be the duty of each Customer to notify the District office if his or her water meter is operating defectively. If any water meter shall fail to register in any period, the Customer shall be charged the average period consumption during the two preceding periods as shown by the water meter when in order. If the District determines that any water meter is recording consumption inaccurately, the District shall have the right to adjust the Customer's bill at any time and to repair or replace the defective water meter at Customer's expense. The District shall have the right of access to install, inspect, repair, replace or otherwise maintain the water meter assembly. If the District has reason to believe that a water meter is not functioning properly, it may proceed to repair or replace the water meter, whether or not the Customer has received notice that the water meter is defective.

The Customer shall pay all costs plus ten percent (10%), of repairing and/or replacing the water meter.

The judgment of the District in these matters shall be final and binding.

- .04 - PROTECTION FROM DAMAGE: No person shall maliciously, willfully, or negligently, break, damage, destroy, deface, uncover, or tamper with any portion of the District's water system.

In the event any person shall violate the provisions of this Section, the District may take all necessary steps to insure that said person shall be subject to criminal prosecution to the fullest extent of Colorado law. The District may, in addition, bring a civil action for trespass, conversion, destruction of property, and punitive damages.

- .05 - INSTALLATION OF WATER METER ASSEMBLIES: Water meter assemblies with remote transponders are required. The cost of the water meter assembly, including remote transponders, shall be paid by the Customer.

The cost of each water meter assembly shall be the actual cost paid by the District to its supplier, plus ten percent (10%) to cover the cost of transportation, storage, etc.

Installation of the water meter assembly shall be performed in a workmanlike manner according to District standards, at the Customer's cost and with work performed by a licensed plumber hired by the Customer.

- .06 - DISTRICT OWNERSHIP OF WATER METER ASSEMBLIES: Immediately upon inspection by the District, the District shall own the water meter assembly. The Customer shall pay all costs plus ten percent (10%), of repairing and/or replacing the water meter assembly.

After inspection, no Customer shall tamper with, maintain, open, repair or replace any water meter assembly.

- .07 - CROSS-CONNECTION PREVENTION: The water from the District System and water from unapproved sources shall be distributed through systems entirely independent of each other. Interconnection or cross-connection between such systems is prohibited. The most recent edition of The Colorado Cross-Connection Control Manual published by the Colorado Department of Public Health and Environment is the adopted guidance manual for the District.

- .08 - MAIN AND SERVICE LINE CONSTRUCTION SPECIFICATIONS: Mains and Service Lines shall be constructed in accordance with the Mesa Cortina Water and Sanitation District Water Construction Standards, and incorporated herein by this reference together with all amendments and addendums thereto.

ARTICLE VI

500 - SEWAGE SYSTEM

- .01 - EXCAVATION OR DISTURBANCE OF MAINS: No unauthorized person shall uncover, make any connection with, or opening into, use, alter, or disturb any sewer Main or appurtenance without first obtaining a Permit from the District.

- .02 - RESPONSIBILITIES OF THE CUSTOMER: Each Customer shall be responsible for maintaining that portion of the Service Line serving his property extending from the Main including the tapping system, to each building. Any leak, stoppage, or break in such Service Line shall be repaired by the Customer within 24 hours, after notification of such condition by the District. If satisfactory progress toward repairing said leak, stoppage, or break has not been completed within such time period, the District shall shut off the water service until the sewer leak, stoppage, or break has been repaired. The District shall have the right to affect the repair and collect costs from the Customer plus ten percent (10%), which costs shall be a charge of the District and be enforceable by a perpetual lien against the property of such Customer to secure payment of such costs.

- .03 - PROHIBITED DISCHARGE: Except as hereinafter provided and as may be concurrently authorized by the Joint Authority, no person shall discharge, or cause to be discharged, to any sewer Main, any special or prohibited sewage (as hereinafter defined) 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 system and Joint Authority's system. No water or waste shall be discharged into the District's system if such discharge would violate any Joint Authority, state, or federal law, rule, or regulation.

- .04 - 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," as hereafter defined. The classification of wastes shall otherwise be the responsibility of the Joint Authority and shall follow any recommended procedures of the State Department of Health.
 - a. Normal Sewage: Normal Sewage shall mean sewage which can be treated 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 250 parts per million B.O.D.

 - b. Special Sewage: Special Sewage shall mean any sewage which does not conform to the definition for Normal Sewage, but which can be accepted by the District and Joint Authority after pretreatment by the user.

- c. Prohibited Sewage: Prohibited Sewage shall mean any of the types of sewage which are defined as such and prohibited by the Joint Authority.

Prohibited Sewage shall include, but not be limited to, clear water such as storm water, surface water, ground water, french drain discharge, roof runoff, subsurface drainage, cooling water, or industrial process waters introduced into the sewer system by means of a drainage collection system. Said drainage water is detrimental to the sewage system since it interferes with the system's volume capacity and with the biological process necessary for treatment.

- .05 - PROTECTION FROM DAMAGE: No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any portion of the District's Sewage System.

In the event any person shall violate the provisions of this Section, the District may take all necessary steps to insure that said person shall be subject to criminal prosecution to the fullest extent provided by Colorado law. The District may, in addition, bring a civil action for trespass, conversion, destruction of property, and punitive damages.

- .06 - MAIN AND SERVICE LINE CONSTRUCTION SPECIFICATIONS: Mains and Service Lines shall be constructed in accordance with Article VIII of these Rules and Regulations.

ARTICLE VI

600 - APPLICATION FOR SERVICE

- .01 - RULES TO BE APPLICABLE: Except as provided in these Rules and Regulations, service will be furnished only to persons whose property is made subject to the Rules and Regulations of the District.

- .02 - TAP PERMITS:
 - a. Applications: A User seeking the privilege of service from the District shall submit a written application for service. The application for service must be filed with the District on forms to be provided by the District Administrator, as hereafter described, and be accompanied by appropriate fees at least five working days prior to making Connections.

 - b. Permits: Upon approval by the District, a water and sewer Tap Permit will be issued to the owner, which shall designate the specific piece of property to be served.

- .03 - CHANGE IN CUSTOMER'S EQUIPMENT OR SERVICE: No change in the Customer's equipment, service or use of the property shall be made without the approval of the District being first obtained and without first paying any applicable fees or charges.
 - a. Requests for change in equipment or service may be denied for any reason, or no reason. In no case shall the District approve a change of use which would result in one residential unit being altered to allow "lock off" or "mother-in-law" units which, for purposes of this regulation, shall be defined as a portion of a residential unit capable of being entered through an independent entrance, secured from the remainder of the unit by a locked door or a wall, and containing at a minimum a half-bath with a sink and any device or appliance capable of preparing heated foods.

 - b. If approved, the District shall have the right to collect from the Customer all costs it may incur for the conversion, including those incurred for overhead and the time expended by District personnel. The District shall have the right of access to install, inspect, replace or otherwise maintain the water meter assembly and any other District-owned equipment.

- .04 - FORMS: The District Administrator shall promulgate forms, checklists, and instructions to assist applicants desiring services from the District to apply for such service. The forms shall generally conform to the information required to administer these Rules and Regulations. The Board shall review and approve all forms, checklists, and instructions prior to their use. Upon such approval, the forms, checklists, and instructions shall be deemed part of these Rules and Regulations and whether or not physically attached thereto and shall be distributed to prospective applicants by the District Administrator or his designee as appropriate.

- .05 - TAPS NOT ASSIGNABLE: Taps, when purchased, are for use only on the property designated at the time of purchase of Taps. Taps shall be sold and/or transferred by the owner of a property to a subsequent owner of the same property.

- .06 - EMERGENCY ALLOCATIONS: The Board of Directors may adopt appropriate allocation and priority policies in emergency instances which may include a shortage of water or sewer capacity.

ARTICLE VII

700 - FEES, CHARGES AND BILLING

The information contained in this Section is pertinent to all charges of whatever nature to be levied for provision of water, sewer, and other services by the District. Said rates and charges as herein established shall be set forth in the current Fee Schedule or "Application for Water and Sewer Service", which are on file and may be viewed by the public at the District's office and shall remain in effect until modified. Nothing contained herein shall limit the District from, at any time and without notice, modifying the rates and charges set forth in the Fee Schedule or from modifying any classification set forth in these Rules and Regulations.

- .01 - APPLICATION OF THIS SECTION: The rates, charges and other information shown herein shall apply only to Users and Customers inside the District and shall in no way obligate the District to provide service outside the District under any of the conditions contained in this Section.
- .02 - INSPECTION FEE: Prior to the issuance of a building permit by Summit County, the owner of the property to which such permits would apply shall make an application for water and sewer service and an Inspection Fee shall be assessed and due for the privilege of connecting to the Water System and Sewage System. The fees shall be charged pursuant to the Fee Schedule.
- .03 - WATER AND SEWER RESIDENTIAL TAP FEE SCHEDULE: The cost of the water and sewer Tap Fee used to amortize the development of the Utility Facilities is established by the Board and can be changed by the Board, at any time, without notice. Current water and sewer Tap Fees are set forth in the Fee Schedule and/or "Application for Water and Sewer Service" available from the District Administrator.
- .04 - WATER METER ASSEMBLY FEE: Prior to obtaining a water meter assembly and remote transponder from the District, the Customer shall pay to the District the cost of the water meter assembly plus a ten percent (10%) surcharge to cover the District's cost of delivery and handling.
- .05 - TAP PERMIT REQUIRED: A party seeking water and sewer service shall provide to the District an "Application For Water and Sewer Service" in the form required pursuant to these rules and regulations. The request shall be accompanied by cash or certified funds in an amount equal to the current Tap Fees for water and sewer service charged by the District.
- .06 - NOTICE OF DISTRICT APPROVAL: A letter to Summit County may be sent by the District stating that water and sewer capacity is available provided that such capacity does in fact exist, all applicable fees have been paid, and the applicant has received architectural approval from the Mesa Cortina Architectural Approval Committee.
- .07 - USER FEES: User fees for services furnished by the District, including but not limited to minimum charges for water and sewer service shall commence per the Fee Schedule rate when a Certificate of Occupancy is issued for the building. Unmetered construction water service shall

be allowed per the Fee Schedule rate commencing at the time of curb stop activation by the District.

Whenever possible, bills for service will be directed to the owner of record of the property rather than the occupant. The owner shall be ultimately responsible for all water and sewer charges. User Fee rates shall be as reflected in the Fee Schedule.

- .08 - WATER METER READINGS AND TESTING: There shall be no special charge for regular periodic water meter readings within the District for regular billing. See the "Application for Water and Sewer Service" or the Fee Schedule for current charges for any final or special water meter reading or water meter testing.
- .09 - PAYMENT OF SERVICE CHARGES: Statements for charges for all fees may be rendered on such periodic basis as the Board shall deem appropriate. Charges for late payments, turn-on, turn-off, etc., shall be added to the bills per the Fee Schedule. Water and sewer bills will be mailed to the Customer (and, where different, the owner of the property in question,) by the District the same week of each quarter, and shall be payable within fifteen (15) days of the statement date. A one and one-half percent (1.5%) delinquency penalty per month shall be added to the unpaid balance of all water and sewer bills which have not been paid within thirty (60) days from the date of mailing. When such statements are ninety (90) days delinquent, they shall be declared "overdue" and a shut-off notice shall be mailed to the Customer by certified mail, advising that payment must be made within five (5) days, or service will be disconnected. If payment is not made within five (5) days of mailing of shut-off notice, the District Administrator of the District shall "turn off" the water service.
- .10 - REVOCAION OF SERVICE: Service shall be revocable by the District upon non-payment of fees owing to the District, or upon failure to comply with the Rules and Regulations of the District. In the event of non-compliance with the Rules and Regulations other than non-payment of fees, the Customer (and where different the owner of property in question) shall be given 24 hours notice of revocation, in order to provide an opportunity for correction of such non-compliance.
- .11 - SERVICE THROUGH PUBLIC FIRE HYDRANTS: Fire hydrants within the District are owned by the District .

Except for emergency use in the suppression of fires, no fire hydrant, shall be turned on without prior District permission and then only following the payment of a deposit and grant of a Permit.

Upon application to the District and payment of a partially refundable deposit of \$500.00, qualified users may obtain a District permit for use of fire hydrant water. Permits shall be issued on an individual basis as approved by the District Administrator prior to water use, and service shall be metered at locations selected by the District. No more than three (3) permits shall be issued in the District at any one time without the prior approval of the Board. Use of water pursuant to a Permit shall cease for the duration of any fire within the District or any other fire which, in the opinion of the Fire Chief, should be suppressed in part by use of the District's water system. Any damage to the fire hydrant, fire hydrant meter, or other property of the District shall

be paid for by the user. The deposit shall be refunded, less water usage and cost of any damages, upon return of the District's fire hydrant meter.

- .12 - LIMITS ON DISTRICT WORK: No work by District personnel shall be done on Saturdays, Sundays, or holidays unless permission is granted by the District. No work shall start until all District fees have been paid, and the District Administrator notified.
- .13 - MISCELLANEOUS COSTS AND EXPENSES: All costs and expenses incident to the installation, inspection, and connection of the water and/or sewer service shall be borne by the property owner. The property owner shall indemnify the Board for any loss or damage that may directly or indirectly be occasioned by the installation of the water or sewer service.
- .14 - LIABILITY FOR PAYMENT, LIEN, FORECLOSURE FEES, COSTS: Until paid, all rates, tolls, fees and charges shall constitute a first and perpetual lien on or against the property served and any such lien may be foreclosed in the manner provided by law. At any time the District determines, following efforts to collect tardy payments of any fee, rate, toll or charge assessed by the District under these Rules and Regulations and/or Colorado law, to initiate foreclosure proceedings as allowed by C.R.S. Section 32-1-1001(1)(j), the District shall in each such case assess a foreclosure fee against the subject property, in the amount of \$5,000, which fee shall be payable in full upon assessment and shall be included in the amount then being foreclosed. Payment of said foreclosure fee and any and all other fees outstanding against the subject property shall be a precondition to the resumption of service to that property.

The District shall have the right to assess any Customer who is tardy in payment of his account all legal, court and other costs necessary to or incidental to the collection of said account. All such costs shall be deemed a charge of the District.

The property, the Customer and the User are hereby deemed equally liable for charges of the District. The District assumes no responsibility hereby for any agreement made between Customers and occupants including landlord, and tenants regardless of how made or whether the District was notified of such agreement. The District will hold the water and sewer user, occupant, and property owner jointly liable for all charges appurtenant to water and/or sewer service at the address where the bills are sent.

In addition to any other means provided by law, the District may elect, by resolution, at a public meeting held after receipt of notice by the Customer (and property owner if different than the Customer), to have certain delinquent fees rates, tolls, penalties, charges, or assessments made or levied solely for water, sewer, or water and sewer services certified to the Summit County Treasurer to be collected and paid over by the Summit County Treasurer in the same manner as taxes are authorized to be collected and paid over pursuant to section 39-10-107, C.R.S.

- .15 - SELLERS' AND BUYERS' RESPONSIBILITIES: The District assumes no responsibility for agreements between sellers and buyers. It shall be the joint responsibility of both to notify the District for final and start water meter readings and completion bills. It shall be the responsibility of the buyer to ascertain whether fees and charges have been paid by the seller. Regardless of ownership or of the failure of the District to collect fees and charges at the time of issuance of

permits or any other act or omission of the District, unpaid fees and charges shall constitute a first and perpetual lien on and against the property which lien may be foreclosed as provided by law.

- .16 - UNAUTHORIZED CONNECTION PENALTIES: An unauthorized Connection penalty equal to twice the applicable Inspection Fee due shall be payable by persons connecting to District's water or sewer lines without prior approval. Inspection of water and sewer Service Lines is mandatory.
- .17 - TURN ON/OFF SERVICE: Customers desiring a "turn on/off" service for any purpose, may be charged a turn-off fee which will also cover the "turn-on" request. In any case minimum water and sewer service billing will continue to be in effect.
- .18 - TURN ON/OFF FEE: If services are discontinued at the request of the Customer, or due to delinquency, a "turn off" fee will be charged, which will also cover the "turn on" request provided the curb box and shut-off valve are in working order. If the curb box and shut-off valve are not in working order, repair of same will be at the expense of the customer. See the Fee Schedule for current fees.
- .19 - PENALTY FOR "UNAUTHORIZED TURN-ON": No person other than employees or officials of the District shall turn on water. The Board may assess a penalty, in such amount as the Board considers appropriate under the circumstances, against anyone who violates this subsection. Nothing herein shall be deemed a waiver of any remedy available to the District, including the opportunity to file criminal and/or civil charges.
- .20 PENALTY FOR PROHIBITED SEWAGE: The Board may assess a penalty of \$25.00 per day for any ground water inflow or infiltration(I&I), or any other Prohibited Sewage, emanating from an individual sewer service that discharges into the District's Sewage System. With regards to ground water discharges, the affected property owner, upon written notice, shall correct, repair and stop the source of discharge by October 31st of the year notified. Penalties shall commence November 1 of the same year and continue until the correction or repairs have been completed as verified by the District Manager or Engineer. Other Prohibited Sewage discharges shall be dealt with on a case by case basis .
- .21 CHANGE BY CUSTOMER: Prior to making any change in water or sewer service or water meter assembly installation, including but not limited to a change in use of the property served, a Customer shall file an amended application with the District at least forty-eight (48) hours prior to making the proper change and shall apply for additional taps or increase in service as may be necessitated by the change and pay any additional Tap Fees.

If an existing home is found to have added an unauthorized bedroom or bathroom without written permission from the District and if the new room(s) would cause an increase in the tap fee, then the District may, at the Board's discretion, assess, in addition to the increase in the tap fee, a penalty of up to 100% of the additional tap fee upon discovery of the new rooms.

Any Customer not notifying the District of such change shall be assessed all additional fees on its next quarterly statement after determination by the Board that there has been a change. Any Customer or User shall have the right to a hearing to determine whether a change has occurred.

Such hearing shall be held at the next monthly meeting of the Board following request for a hearing. Before a requested hearing is held, the additional fees shall be deposited with the District, in full. Failure to make such deposit shall cause an automatic denial of the customer's appeal, and the District shall proceed with collection of the additional fees in accordance with these Rules and Regulations.

ARTICLE VIII

800 - CONSTRUCTION OF MAINS AND SERVICE LINES

- .01 - DISTRICT CONSTRUCTION STANDARDS: All construction within the District shall incorporate these rules and regulations, the District's Water Construction Standards and the laws of the State of Colorado.
- a. Bond: A payment and performance bond shall be furnished to the District Administrator, on a per-job basis, in the amount set by the Board.
 - b. Liability Insurance: Insurance shall be carried in favor of the Board in the amount of at least \$150,000 per person and \$600,000 per occurrence for both personal injury and property damage or in accordance with the applicable limitations contained in the Governmental Immunity Act or other applicable Colorado law.
 - c. Workmen's Compensation Insurance: 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. Satisfactory evidence of the existence of a current Contractor's Workmen's Compensation policy must be on file with the District prior to any work being performed.
 - d. On Site Briefing: The general contractor and excavator must attend an on-site briefing with the District Administrator and District Manager, and such other persons as the District Administrator and/or District Manager may deem appropriate, prior to excavation or tree removal. Items discussed will include, but not be limited to, trees to be removed, route of water and sewer lines, location of water and sewer taps, water meter assembly location and others.
- .02 - PLANS AND SPECIFICATIONS: All plans and specifications submitted shall be in strict compliance with the engineering standards contained herein and shall meet any special conditions that may be reasonably required. The submittal shall clearly present only the required information. The design and installation of all facilities shall insure development of an integrated water and sewer system. No work shall commence on any facilities until the plans and specifications are approved in writing by the District. In addition all plans shall:
- a. Surveys: Be made from actual field surveys by a Land Surveyor registered in Colorado. Line and grade for water and sewer Mains shall be established by the District Engineer or by a Land Surveyor licensed to practice in the State of Colorado. Survey points shall be set a maximum distance of 100 feet apart. All valves, crosses, tees, horizontal and vertical bends, fire hydrants and manholes shall be staked for location and grade. Points of curvature and points of tangency of curves, as well as point on the curve, shall be staked for location and grade. All stakes shall be flagged to increase their visibility.

- b. District Engineer: Be prepared by, or under the supervision of the District Engineer or a designated representative acceptable to the Board who shall be responsible for the design, the plans, determining the material specifications and directing the field survey. All submitted plans and specifications shall bear the District Engineer's stamp prior to approval for construction.
- .03 - INSPECTION: The construction of all new Mains and Connections in the District shall be inspected and approved by the District Engineer or the District Administrator or a designated representative acceptable to the Board. Problems which may require sound field judgment, in lieu of strict interpretation of these Rules and Regulations and the plans and specifications, shall be resolved by the District and the Contractor to the satisfaction of the District. Any work not accepted by the District shall be redone until compliance with these Rules and Regulations and the plans and specifications is achieved.
- .04 - EXCAVATION: The District Administrator and/or District Manager must be notified at least 2 working days before any excavation is begun regarding the District's Water Works or Sewage System. No excavation shall be allowed in public rights-of-way from November 1 through April 30 of each year unless prior written permission is obtained from the District and Summit County.

Any person doing any work on any water or sewer Main, or otherwise excavating in streets and easements in the District, shall comply with Summit County, Joint Authority, and these District Rules and Regulations regarding excavation, backfill, compaction and restoration of surfacing. Backfill shall be compacted to the 95 Procter standard. All trenching must meet OSHA standards and/or be properly shored. No District or contractor personnel shall enter any excavation that does not comply with OSHA and all other applicable standards.

The District Administrator and/or District Manager may inspect excavations for compliance with the aforementioned regulations and these Rules and Regulations, however compliance is the sole responsibility of the Contractor and the District does not, by such inspection, undertake any obligation to supervise or enforce such compliance.

- a. Sewer Mains and Service Lines: Sewer Mains must have a manhole every 400 feet. Manholes, reducing sections and rings shall be of precast concrete. The base will be precast cement capable of providing invert forming. Service Lines must have clean-outs every 100 feet.
- b. Sewer Pipe: Sewer Mains and Service Lines shall be SDR 35 PVC pipe with bell and spigot and compression ring gasket.
- c. Sewer Service Lines: The Service Line shall be water-tight, in a straight line, on a constant grade and not closer than fifteen (15) feet to any bearing wall. Sewer Service Lines must conform to a grade of a minimum 1/8" to 1 ft. Granular bedding material shall be 3/4" minus cleaned rock, 3/8" minus cleaned rock, or other material previously agreed to and authorized in writing by the District Administrator, District Manager or his authorized representative. Except that any area showing signs or ground water

infiltration shall have 3/4" washed rock or a fill as specified by a licensed soils geologist or professional engineer of the State of Colorado.

Sewer service lines shall be box insulated using 2" Dow Board insulation or its equivalent. Sections shall be a minimum of 24" wide, centered over the pipe, with a 6" overlap between sections. Sidewalls will be at a minimum 12". The frost protection material shall be installed 6" above top of pipe on level bedding material, with an additional 6" of bedding material on top of the frost protection material.

- d. Sewer Taps: Geneco brand tapping saddles shall be used for all sewer Service Line taps.
- .05 - SERVICE LINE EXTENSION AND CONNECTION: A minimum of one separate and independent Service Line per water and sewer service shall be provided for every building. All Service Lines shall be installed by and at the expense of the Customer, except as otherwise provided herein.