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AMENDED BYLAWS

Amended Bylaws adopted May 24, 2011 [Resolution No 1931](#)

SECTION 1. AUTHORITY.

Pueblo West Metropolitan District ("District") is a governmental subdivision of the State of Colorado and a body corporate with those powers of a public or quasi municipal corporation within are specifically authorized by, and in compliance with, Section 32-1-101 et seq., C.R.S. The District was created on September 16, 1969, by court order and is located in the County of Pueblo.

SECTION 2. PURPOSE.

It is hereby declared that the Bylaws hereinafter set forth will serve a public purpose.

SECTION 3. POLICIES OF THE BOARD.

It shall be the policy of the Board of Directors ("Board") of the district, consistent with the availability of revenues, personnel and equipment, to use its best efforts to provide the quality services as authorized under the District Service Plan or by law.

SECTION 4. BOARD OF DIRECTORS.

All powers, privileges and duties vested in, or imposed upon, the District by law shall be exercised and performed by and through the Board, whether set forth specifically or impliedly in these Bylaws. The Board may delegate to officers, employees, and agents of the District any or all administrative and ministerial powers.

Without restricting the general powers conferred by these Bylaws, it is hereby expressly declared that the Board shall have the following powers and duties:

a. To confer upon any appointed officer or employee of the District the power to choose, remove or suspend employees or agents upon such terms and conditions as may seem fair and just and in the best interest of the District.

b. To determine and designate, except as otherwise provided by law or these Bylaws, who shall be authorized to make purchases, negotiate leases for office space, and sign receipts, endorsements, checks, releases and other documents. The Board may, on a limited basis and by resolution give a District manager or other appointed signatory the power to sign contracts and other official documents on behalf of the District.

c. To create standing or special committees.

d. To prepare or cause to be prepared financial reports, other than the statutory audit, covering each year's fiscal activities; and such reports shall be available for inspection by the public, as requested.

SECTION 5. OFFICE.

a. **Business Office.** The principal business office of District shall be at 109 E. Industrial Blvd., Pueblo West, CO 81007, until otherwise designated by the Board.

b. **Establishing Other Offices and Relocation.** The Board, by resolution, may from time to time designate, locate and relocate its executive and business office and such other offices as, in its judgment, are necessary to conduct the business of the District.

SECTION 6. MEETINGS.

a. **Regular Meetings.** Regular meetings of the Board shall be conducted on the second and fourth Tuesdays of each month and held at the business office, unless otherwise noticed and posted.

b. **Meeting Public.** All meetings of the Board, other than executive sessions, shall be open to the public.

c. **Notice of Meetings.** Section 6.a shall constitute formal notice of regular meetings to Board members, and no other notice shall be required to be given to the Board, other than the permanent posting. Written waivers of notice by Board members are not necessary.

d. **Special Meetings.** Special meetings of the Board may be called by any one member of the Board, the District Manager or District Legal Counsel upon seventy-two (72) hours written notice, which shall be posted in three places with the District boundaries and at the Pueblo County Clerk and Recorder's office.

e. **No Informal Action by Directors/Executive Sessions.** All official business of the Board shall be conducted at regular or special meetings. Executive sessions may be called at regular or special meetings and conducted according to law.

f. **Adjournment and Continuance of Meetings.** When a regular or special meeting is for any reason continued to another time and place, notice need not be given of the continued meeting if the time and place of such meeting are announced at the meeting at which the continuance is taken, except as required by law. At the continued meeting, any business may be transacted which could have been transacted at the original meeting.

g. **Emergency Meetings.** Notwithstanding any other provisions in this Section 6, emergency meetings may be called by the Chair or any two (2) Board members in the event of an emergency that requires the immediate action of the Board in order to protect the public health, safety and welfare of the property owners and electors of the District, without notice if notice is not practicable. If possible, notice of such emergency meeting may be given to the Board by telephone or whatever other means are reasonable to meet the circumstances of the emergency. At such emergency meeting, any action with the power of the Board that is necessary for the immediate protection of the public health, safety and welfare may be taken; provided, however, that any action taken at an emergency meeting shall be effective only until the first to occur of (a) the next regular meeting, or (b) the next special meeting of the Board at which the emergency issue is on the public notice of the meeting. At such subsequent meeting, the Board may ratify any emergency action taken. If any emergency action taken is

not ratified, then it shall be deemed rescinded as of the date of such subsequent meeting.

h. **E-Mail Meetings.** Section 24-6-402, C.R.S. requires that certain e-mail between three or more Directors that discusses pending resolutions or other District business shall be considered a public meeting subject to the requirement of the Colorado Open Meetings Law.

SECTION 7. CONDUCT OF BUSINESS.

a. **Quorum.** All official business of the Board shall be transacted at a regular or special meeting at which a quorum (majority) of the Directors shall be present in person or telephonically, except as provided in Section 7.b. and Section 8.c.

b. **Vote Requirements.** Any action of the Board shall require the affirmative vote of a majority of the Directors present and voting. When special or emergency circumstances affecting the affairs of the District and the health and safety of District residents so dictate, then those Directors available at the time may undertake whatever action is considered necessary and may so instruct the District's employees, agents and contractors. Such actions shall later be ratified by the Board.

c. **Electronic Signatures.** In the event the signatures(s) of one or more members of the Board or appointed signatories are required to execute a written document, contract, note, bond, deed, and/or other official papers of the District, and the appropriate individual(s) is unable to be physically present to sign said transaction by the use of electronic records or electronic means. This provision is made pursuant to Article 71.3 of Title 24, C.R.S., also known as the Uniform Electronic Transactions Act.

d. **Order of Business.** Business of all regular meetings of the Board of directors shall be transacted in the order as determined by the Board of Directors from time-to-time. Resolution No. 2013-03

e. **Motions and Resolutions.** Each and every action of the Board necessary for the governance and management of the affairs of the District, for the

execution of the powers vested in District, and for carrying into effect the provisions of Article 1 of Title 32, C.R.S., shall be taken by the passage of motions or resolutions at a public meeting. No Board Member shall have individual authority to direct the affairs of the District or to direct employees in their duties.

f. **Action of the Board.** Any action taken by the Board, whether in compliance with the bylaws or not shall be valid if said action is permitted by law and taken in compliance with all statutory requirements.

g. **Minute Book.** Within a reasonable time after passage, all resolutions, motion and minutes of Board meeting shall be recorded in a book kept for that purpose and shall be attested by the Recording Secretary. Minutes of regular sessions shall be available for public review as soon as practicable following acceptance of the minutes by adoption of a motion therefore by the Board. Executive sessions shall be electronically recorded on audio tape or other electronic media and such electronic recording or reproduction of the same shall be kept separate from minutes of regular sessions as described in Section 6.e. of these Bylaws and shall not be open to the public except as required by law.

h. **Parliamentary Procedure.** The "Sturgis Code of Parliamentary Procedure" shall govern the procedure of the Board in all situations or otherwise provided for by law or by the adopted rules of the District.

SECTION 8. DIRECTORS, OFFICERS AND PERSONNEL.

a. **Director Qualifications and Term.** Directors shall be electors of the District. The term of each Director shall be determined by relevant statutory provisions with elections held in even numbered years and conducted in the manner prescribed by Articles 1 through 13, Title 1, and Part 8, Article 1, Title 32 C.R.S. Each Director shall sign an oath of office.

b. **Faithful Performance Bonds.** Each Director shall furnish, at the expense of the District, an individual, schedule or blanket surety bond in the sum of not less than \$1,000 each, conditioned on the faithful performance of the duties of his/her office. In addition, the Treasurer shall furnish, at the expense of the

District, a corporate fidelity bond in a sum of not less the \$5,000, conditioned on the faithful performance of the duties of his/her office.

c. **Oath of Office.** Each member of the Board, before assuming the responsibilities of his office, shall take and subscribe and oath of office in the form prescribed by law.

d. **Election of Officers.** The Board of Directors shall elect from its membership a Chair and President, Secretary, Treasurer, and may elect a Vice President who shall be the officers of the Board of Directors and of the District. The officers shall be elected by a majority of the Directors voting at such election. The Board may, from time to time, appoint an acting officer in the absence of any individual officer. The election of the officers shall be conducted biennially at the first regular meeting of the Board following the regular biennial election of the Directors held in May of even numbered years. Each officer so elected shall serve for a term of one (1) year, which term shall expire upon the election of his or her successor or upon his or her reelection to that office.

e. **Vacancies.** Any vacancy occurring on the Board shall be filled as prescribed by law.

f. **Resignation and Removal.** Directors may be removed from office only by recall as prescribed by statute. Any director may resign at any time by giving written notice to the Board, and acceptance of such resignation shall not be necessary to make it effective, unless the notice so provides.

g. **Chair and President.** The Chair shall preside at all meetings. The Chair shall also be the President of the District. The President is authorized to sign all contracts, deeds, notes, debentures, warrants and other instruments on behalf of the District.

h. **Vice President.** In absence of the Chair the Vice President (if one is elected) shall preside at all meetings.

i. **Secretary.** The Secretary shall be responsible for the records of the District; may act as Secretary at meetings of the Board and record all votes; shall be

responsible for composing a record of the proceedings of the Board in a minute book kept for that purpose, which shall be an official record of the Board; and shall perform all duties incident to that office.

j. **Treasurer.** The Treasurer or persons designated by the Board shall be authorized to invest or cause to be invested all surplus funds or other available funds of the District in permitted investments authorized by law as specified by the Board. The Treasurer shall be chairman of the Budget Committee. The Treasurer shall keep or cause to be kept strict and accurate accounts of all money received by and disbursed for and on behalf of District in permanent records.

k. **Additional Duties.** The officers of the Board shall perform such other duties and functions as may from time to time be required by the Board, by the Bylaws or rules and regulations of District, by law, or by special exigencies which shall later be ratified by the Board.

l. **Manager.** The Board may appoint a manager to serve for such term and upon such conditions, including compensation, as the Board may establish. Such manager shall have general supervision over the administration of the affairs, employees and business of the District and shall be charged with the hiring and discharging of employees and the management of District properties. Such manager shall have the care and custody of the general funds of the District and shall deposit or cause to be deposited the same in the name of District in such banks or savings associations as the Board may select. Such manager will approve all vouchers, orders and checks for payment, and shall keep or cause to be kept regular books of account of all District transactions and shall obtain, at the District's expense such bond for the faithful performance of its duties as the Board may designate. The Board may delegate such powers and duties to the manager as it deems appropriate.

m. **Personnel Selection and Tenure.** The selection of agents, employees, engineers, accountants, special consultants and attorneys of the District by the Board will be based upon the relative qualifications and capabilities of the applicants and shall not be based on political services or affiliations. Agents and employees shall hold their offices at the pleasure of the Board. Contracts for professional services of engineers, accountants, special consultants and attorneys

may be entered into on such terms and conditions as may seem reasonable and proper to the Board.

SECTION 9. FINANCIAL ADMINISTRATION.

a. **Fiscal Year.** The fiscal year of the District shall commence on January 1 of each year and end on December 31.

b. **Budget Committee.** There shall be a permanent Budget Committee composed of the Treasurer and others appointed by the Board which shall be responsible for preparation of the annual budget of the District and such other matters as may be assigned to it by the Board.

c. **Budget.** The Budget Committee shall prepare and submit to the Board a proposed budget for the ensuing fiscal year Pursuant to Colorado Revised Statutes.

d. **Notice of Budget.** Upon receipt of the proposed budget, the Board shall cause to be published a notice that the proposed budget is open for inspection by the public at the business office; that the Board will consider the adoption of the proposed budget at a public hearing on a certain date; and that any interested elector may inspect the proposed budget and file or register any objections thereto at any time prior to its final adoption. Notice shall be posted or published in substantial compliance with law.

e. **Adoption of Budget.** The Board shall adopt a budget, either during the budget hearing or at a later date and time to be set by the Board, setting forth the expenditures to be made in the ensuing fiscal year. The Board shall provide for sufficient revenues to finance budgeted expenditures with special consideration given to the proposed ad valorem property tax levy.

f. **Appropriating Resolution.**

1. At the time of adoption of the budget, the Board shall enact a resolution making appropriations for the ensuing fiscal year. The amounts appropriated there under shall not exceed the amounts fixed therefore in the adopted budget.

2. The income of the district, as estimated in the budget and as provided for in the tax levy resolution and other revenue and borrowing resolutions, shall be allocated in the amounts and according to the funds specified in the budget for the purpose of meeting the expenditures authorized by the appropriation resolution.

3. The Board may make an appropriation to and for a contingent fund to be used in cases of emergency or other unforeseen contingencies.

4. The Board may amend the Budget and Appropriation Resolution as permitted by law.

g. **No Contract to Exceed Appropriation.** The Board shall have not authority to enter into any contract, or otherwise bind or obligate the District to any liability for payment of money for any purposes, for which provision is not made in appropriation resolution, including any legally authorized amendment thereto , in excess of the amounts of such appropriation for the fiscal year. Any contract approved by the Board verbal or written, contrary to the terms of the appropriation resolution shall be valid and shall constitute a revision of said resolution. The Board shall revise the Budget and said resolution for any such expenditure as require by law.

h. **Annual Audit.**

1. The Board shall cause an annual audit to be made annually in compliance with Colorado Law.

2. A copy of the audit report shall be forwarded to the State Auditor or other appropriate State official pursuant to statutory requirements.

i. **Check Issuance Authorization.** All Checks issued by the District shall require two signatures. The Board shall authorize by resolution from time to time those persons authorized to sign checks.

SECTION 10. CORPORATE SEAL.

The seal of the District shall be a circle containing the name of the District and shall be used on all documents and in such manner as seals generally are used by public and private corporations. The Secretary shall keep, or cause to be kept, the seal and shall be responsible for its safe keeping and care.

SECTION 11. DISCLOSURE OF CONFLICT OF INTEREST.

A Potential conflict of interest of any Director shall be disclosed in accordance with State law, practically Article 18 of Title 24, C.R.S., and Sections 32-1-902(3) and 18-8-308, C.R.S.

SECTION 12. COMPENSATION.

Each Director shall receive the maximum compensation authorized by statute, unless otherwise determined by the Board. No Director shall receive compensation as an employee of the District, except as may be provided by statute.

SECTION 13. INDEMNIFICATION OF DIRECTOR AND EMPLOYEES.

The District shall defend, hold harmless, and indemnify any Director, officer, agent, or employee, whether elective or appointive, against any tort or liability, claim or demand, without limitation, arising out of any alleged act or omission occurring during the performance of official duty, as more fully defined by law or by indemnification resolution . The provisions of this Section shall be supplemental and subject to and, to the extent of any inconsistency therewith, shall be modified by the provisions of the Colorado Governmental Immunity Act, 24-10-101, et seq., C.R.S.

SECTION 14. BIDDING AND CONTRACTING PROCEDURES.

Except in cases in which the District will receive aid from a government agency, a notice shall be published for bids on all construction contracts for work or material, or both involving an expense of \$60,000 or more of District funds (said sum shall be increased or decreased to match the amount set by Statute). The Board may reject any and all bids, and if it appears that the District can perform the work or secure material for less than the lowest bid, it may proceed to do so in accordance with law.

Notwithstanding the foregoing, the District may award an integrated project delivery (i.e., "design/build") contract upon (i) the determination of the Board that integrated project delivery represents a timely or cost-effective alternative for a project, (ii) publication of a request for qualifications and/or request for proposals; and (iii) compliance with Part 18 of Article 1, Title 32, C.R.S. All other statutory requirements relating to performance bonds, retainage, and similar matters shall also be complied with.

SECTION 15. MODIFICATION OF BYLAWS.

These Bylaws may be altered, amended or repealed at any regular or special meeting of the Board to become effective immediately or at a subsequent date.

SECTION 16. SEVERABILITY.

If any part or provision of these Bylaws is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of these Bylaws, it being the Board's intention that the various provisions hereof are severable.

TITLE 1 GENERAL PROVISIONS

ARTICLE 1. DEFINITIONS

1.1.1 ASTM. The American Society of Testing Materials

1.1.2 AREA. An area of the District described in C.R.S. 32-1-1006(b) (I) (II).

1.1.3 ASSESSOR. The Pueblo County Assessor.

1.1.4 B.O.D. (Denoting biochemical oxygen demand.) The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in milligrams per liter.

1.1.5 BOARD. The Board of Directors of the District.

1.1.6 BUILDING. Any structure containing sanitary facilities and used for human habitation, as a place for business, recreation or like purposes, including mobile homes.

1.1.7 COMBINED SEWER. A sewer intended to receive both waste water and storm or surface water.

1.1.8 CONNECTION CHARGE. The customer connection fees.

1.1.9 CONTRACTOR. Any individual firm, corporation partnership, or association duly licensed by the State of Colorado, and/or regional building authority engaged to perform the type of work to be done under a building permit.

1.1.10 COST. The cost of labor, materials, transportation, supervision, engineering and all other necessary overhead.

1.1.11 COUNTY. The County of Pueblo.

1.1.12 COUNTY COMMISSION. The Board of Commissioners of Pueblo County.

1.1.13 CUSTOMER. Any person, partnership, corporation, governmental entity or agency, lessee and tenants supplied with water or sewer service by the District.

1.1.14 DEVELOPER. The persons, firm, joint venture, partnership or corporation which is the owner of land and is subdividing the land for re-sale and seeks to have the subdivided land served by the District.

1.1.15 DEVELOPER WASTE WATER FEE. The capital investment of the District for waste water mains to serve a development installed by the District and reimbursed by the Developer.

1.1.16 DEVELOPER WATER MAIN FEE. The capital investment of the District for water mains to serve a development installed by the District and reimbursed by the Developer.

1.1.17 DIRECTOR. A member of the Board of Directors of Pueblo West Metropolitan District.

1.1.18 DISTRICT. The PUEBLO WEST METROPOLITAN DISTRICT.

1.1.19 DISTRICT LATERAL SEWER. That portion of the sewer lying within a public street or easement connecting a building sewer service to the main sewer.

1.1.20 DISTRICT MANAGER. The person appointed by the Board to manage the District and is responsible for the inspection of all water and sewer installation, repair, excavations, connections and charged with enforcement of all rules and regulations of the District.

1.1.21 DISTRICT WATER LATERAL. That portion of the water line between the curb cock and box (meter) and the water line in a public street or easement connecting a water service line to the water main.

1.1.22 EASEMENT. An acquired legal right for the specific use of land owned by others.

1.1.23 ENGINEER. A qualified civil engineer or civil engineering firm appointed by and acting for the Board, District and the Manager.

1.1.24 INDUSTRIAL WASTE. All liquids or solid waste substances emanating from any producing, manufacturing, processing operation, trade or business of whatever nature as distinct from domestic or sanitary waste.

1.1.25 LIVING UNIT. Any residence, apartment, habitation or other structure to be occupied by a single person or family requiring waste water disposal service.

1.1.26 LOT. A contiguous piece of land designated "Lot" on a plat recorded in the office of the County Clerk and Recorder.

1.1.27 MAIN SEWER. Means a public sewer designated to accommodate more than one District lateral sewer.

1.1.28 MANAGER. See District Manager

1.1.29 MAY. (Is permissive.) See "shall".

1.1.30 NSF. The National Sanitation Foundation

1.1.31 OWNER. The person owning the fee simple or the person in whose name the legal title to the property appears by deed duly recorded in the Pueblo County Recorder's office, or the person in possession of the property or buildings under claims of or exercising acts of ownership over same for himself or his executor, administrator, guardian or trustee of the owner.

1.1.32 PARCEL. A lot or contiguous group or portions of lots shown on the assessor's roll of Pueblo County, or a contiguous area of land under legal control of any one person, partnership, firm, corporation, syndicate, agency or institution.

1.1.33 PREMISES. A lot or parcel of real property and the improvement thereon.

1.1.34 PRESIDENT. The President of the District.

1.1.35 PRIVATE FIRE PROTECTION SERVICE. Water service and facilities for buildings, sprinkler systems, hydrants, hose, reels and other facilities installed on private property for fire protection and the water available therefore.

1.1.36 PUBLICATION. The printing of an item (notice, etc.) once a week for three consecutive weeks, by three publications in one newspaper of general circulation in the Pueblo West Metropolitan District. It is not necessary that publication be made on the same day of the week in each of the three weeks, but not less than twelve days excluding the day of the first publication, but including the last day of the publication, shall intervene between the first publication and the last publication and publication shall be complete on the date of the last publication.

1.1.37 PUBLIC FIRE PROTECTION SERVICE. The service and facilities of the entire water supply, storage and distribution system of the District, including the fire hydrants affixed thereto and the water available for fire protection, excepting building water service connections and appurtenances thereto.

1.1.38 RATE OF TAX. The tax rate established pursuant to C.R.S., Title 32, Article i.

1.1.39 SANITARY SEWER. The sewer that carries liquid and water carried waste from residences, commercial buildings, industrial plants and institutions, together

with minor quantities of ground, storm and surface waters that are not admitted intentionally.

1.1.40 SECRETARY. The Secretary of the Board of the District.

1.1.41 SEWER. A pipe or conduit that carries waste water or drainage water.

1.1.42 SEWER FACILITY. Any sanitary facility described in C.R.S. in Title 32, Article I.

1.1.43 SEWER MAIN. Any sewer line owned by the District and installed along a public street or right-of-way easement.

1.1.44 SEWER SERVICE LINE. The extension from the building drain to the District sewer lateral at or near the property line.

1.1.45 SHALL. (Is mandatory.) See "may".

1.1.46 SINGLE FAMILY UNIT. Means and refers to the place of residence for a single family.

1.1.47 STATE COMMISSION. The State Tax Commission.

1.1.48 STREET. Any highway, road, street, avenue, alley-way, place, easement or right-of-way.

1.1.49 TEMPORARY WATER SERVICE. Water service and facilities provided for construction work and other uses of limited duration, and the water available thereto.

1.1.50 TREASURER. The Treasurer of the District.

1.1.51 UNIT. One piece of real property in single or common ownership.

1.1.52 WPCF. Water Pollution Control Federation.

1.1.53 WASTE WATER. The spent water of the community. From the stand point of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions together with any ground water, surface water and storm water that may be present.

1.1.54 WASTE WATER FACILITIES. The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

1.1.55 WASTE WATER TREATMENT WORKS. An arrangement of devices and structures for treating waste water, industrial wastes and sludge.

1.1.56 WATER COURSE. A natural or artificial channel for the passage of water, either continuously or intermittently.

1.1.57 WATER FACILITY. Any water facility described in C.R.S., Title 32, Article I.

1.1.58 WATER MAIN. Any water line owned by the District and installed in the public street.

1.1.59 WATER SERVICE LINE. That portion of any water line beginning at the plumbing water supply outlet of any building to the curb cock and box (meter) located at or within ten feet of the property line.

1.1.60 WATER SYSTEM. All facilities for the production, treatment, storage and distribution of water, and includes easements, lands, rights to water and water appurtenant thereto.

ARTICLE 2. NOTICES

1.2.1 GENERAL. Unless otherwise provided by any specific rule or regulation of the District, whenever a notice, resolution, order or other matter is required to be published, posted or mailed, it shall be done in accordance with the provisions of this Article.

1.2.2 SECRETARY. Whenever any notice, resolution, order or other matter is required to be published, posted or mailed and the duty of accomplishing same is not specifically delegated to any officer or person, the Secretary shall cause it to be done.

1.2.3 MAILING. Mailing shall be by first-class mail, postage pre-paid and addressed to owners at least ten days prior to a stated time or event.

1.2.4 POSTING. When the Secretary is required to give notice by mail and the name of the owner is not shown on the County Tax Roll and is not otherwise known to the Secretary, the notice shall be posted near the front boundary line of the affected property at least ten days prior to the stated time or event.

1.2.5 SUFFICIENCY OF NOTICE. No notice other than that specifically provided for in this Article or in any rule or regulation of the District shall be necessary to give validity to any proceeding.

1.2.6 PROOF. Proof of publication, posting or mailing of any notice, resolution or other matter may be made or effected by:

- a. The owner, publisher, printer, foreman, clerk or other authorized representative of a newspaper in which the publication was made, or
- b. The poster or mailer of notice, or
- c. A person having knowledge of the fact.

1.2.7 FAILURE IN PUBLICATION. The failure to publish any notice or to publish it a lesser number of times or for a lesser period of time, as herein provided, or the failure to accurately publish the same, will not affect the validity of any proceeding, provided the notice has been mailed or posted to the affected property, as in this Article provided.

1.2.8 FAILURE IN POSTING OR MAILING. The failure of any person to receive any notice which has been mailed to him or to observe any notice which has been

posted on his property, shall not affect the validity of any procedure, provided that such notice has been mailed or a copy posted on the property affected, as in this Article provided.

ARTICLE 3. ENACTMENT AND AMENDMENTS

1.3.1 GENERAL. The provisions of these Rules and Regulations, when properly enacted by the Board of Directors of the District, repeals those Ordinances in existence at the time of enactment.

1.3.2 AMENDMENTS. Amendments to the provisions of these Rules and Regulations, to include changes of material contents and additions thereto, may occur at the Board's discretion. However, the enactment of the said amendments shall take place only after a publication of notice announcing the proposed change or addition and the time and place of a public hearing relating to the proposed amendment.

1.3.3 INVALIDITY. The invalidity of any article, section, sentence, clause, or provision of these Rules and Regulations shall not affect the validity of any other part of these Rules and Regulations which can be given effect without such invalid part or parts.

10/13/87 APPROVED RESOLUTION NO. 781

TITLE 2 DIVISION OF DISTRICT

PROCEDURES BY WHICH THE BOARD OF DIRECTORS MAY DIVIDE THE DISTRICT INTO AREAS ACCORDING TO WATER OR SEWER FACILITIES TO BE FURNISHED OR NOT FURNISHED

ARTICLE 1. GENERAL PROVISIONS.

2.1.1 INFEASIBILITY. It is hereby determined that it is and will be infeasible, impracticable and undesirable for the good of the entire District to extend water and sewer lines, or to furnish both or either of such facilities to all parts of the District, and that there will be need for the Board, by Resolution, to divide the District into areas according to the facilities and services furnished or to be furnished therein, and designate such areas as are not to be served with water or sewer facilities, or both, as authorized under C.R.S., 32-1-1006(1) (b).

2.1.2 SUPPLEMENTATION. It is further determined that the public convenience, economy, health, interest, necessity, safety and welfare of the inhabitants and property owners of the District require that the Board pass and enforce rules and regulations supplementing any provisions of C.R.S., 32-1-1006(1)(b), providing procedures by which said resolutions are adopted after notice of public hearings held thereon, at which the boundaries of the benefited areas are determined, and for filing notices, descriptions, and maps in conformity with general laws relating to establishing taxing districts and that the provisions hereof are promulgated by the Board to effectuate the purpose for which the District was organized.

2.1.3 WAIVER. All objections not made within the time and manner herein provided are waived.

2.1.4 ORDERS FINAL. All decisions and determinations of the Board upon notice and hearing shall be final and conclusive proof against persons entitled to appeal as to all errors, informalities, omissions and irregularities which might have

been avoided or which might have been remedied during the process of the proceedings, or which can be remedied.

2.1.5 LIMITATION OF ACTION. The validity of any order establishing the boundaries of any area or of any tax rate fixed in pursuance hereof, shall not be contested in any action or proceeding, unless such action or proceeding is commenced within 30 days after said action is taken.

ARTICLE 2. FORMATION PROCEDURE

2.2.1 GENERAL. The Board may divide the District into areas according to the water and sewer facilities furnished or to be furnished therein, or both and into areas not to be served with water or sewer facilities in the manner provided in this Article.

2.2.2 RESOLUTION OF INTENTION. The Board shall adopt a resolution determining that the public interest and convenience require that the District be formed into areas which are to be served with water or sewer facilities, or both, or which are not to be served with either, or both, which shall.

- a. Designate each area by number and parenthetical description such as Area No. X ("sewer", "water", "sewer and water", or "unserved" depending on the facts);
- b. Clearly describe the boundaries of each area proposed to be so formed which may consist of contiguous or non-contiguous parcels of land;
- c. State whether or not each area is furnished or is to have furnished water facilities and service or sewer facilities and service, or both, or is not to be furnished with either, or both;
- d. Refer to a map or maps on file with the Secretary for further information, which map or maps shall have clearly delineated thereon the numbers and parenthetical designations of the area or areas to be so formed and their boundaries, and the boundary relationship of area adjacent thereto;

e. State a time and place for hearing of objections by owners and persons interested in said formation proceedings.

2.2.3 PUBLICATION. The resolution of intention shall be published.

2.2.4 MAILING AND POSTING. The notice of the adoption of the resolution of intention shall be mailed and posted.

2.2.5 FORM OF NOTICE. The notice shall:

- a. Be headed "Notice of Area Formation";
- b. In legible character state the fact and date of the resolution of intention;
- c. Briefly describe the number and parenthetical description of each proposed area;
- d. Refer to the map or maps on file with the Secretary for further particulars; and
- e. State the time and place of hearing owners and persons interested.

2.2.6 PROTEST. Any property owner or person interested may object to the extent of boundaries of an area in which his property is proposed to be included, by filing a written protest with the Secretary at or before the time set for hearing, containing a description of the property of the protestant sufficient to identify the same, the grounds of protest, and be signed by him.

2.2.7 MULTIPLE OWNERSHIP. In the case of multiple ownerships, protestants shall sign as follows:

- a. Tenancy. When property is owned in joint tenancy, tenancy in common or as partners, it may be signed by any tenant or partner.
- b. Estate. When property is in probate, the protest shall be signed by the administrator, executor, or personal representative of the estate.

c. Guardianship. When the property is in guardianship of the person or estate of the owner, or both, the protest shall be signed by the guardian.

d. Trustee. When property is in trust and the property is on the tax roll in the name of the trustee, it shall be signed by the trustee and when the property is on the tax roll in the name of a beneficiary, it shall be signed by him.

e. Corporation. When property appears on the tax roll or is known by the Secretary to be a corporation, it shall be signed by the authorized representative of the corporation.

f. Contract of Purchase. When property has been sold under a contract of sale, the protest may be signed by the purchaser, when his name appears on the tax roll, and when his name does not so appear, it shall be accompanied by proof of its recording or of its existence when not recorded.

2.2.8 LATE ENDORSEMENT. All protests filed after the hour fixed for hearing shall have endorsed thereon by the Secretary the date and time of filing and said protest need not be considered.

2.2.9 PROOF OF OWNERSHIP. The Secretary or Board may require of a protestant that he give proof of ownership, which may be evidencing documents thereof, or by affidavit or certificate executed before the Secretary or before other persons qualified to give an oath.

2.2.10 EXCLUSION. If one of the grounds of protests is that a piece of land proposed to be included in an area for water or sewer, or both, and that either or both have not or are not to be provided to the property by the District, the Board may exclude the parcel from the affected area if it finds the protest to be true; in which event the Board shall include it in another area not to be so served.

2.2.11 INCLUSION. If one of the grounds of protest is that one of the pieces of land is not included in the area furnished or to be furnished water or sewer facilities, or both, which piece is to be so served, the Board, if it finds the protest to be true, may order its inclusion in an area to be formed for such purpose or purposes and exclude it from an area to be formed of unserved lands.

2.2.12 JURISDICTION. When a notice of a hearing has been had as provided in these rules and regulations, written protests have been duly considered and all owners and persons interested have been heard, the Board shall have jurisdiction to take further proceedings in the formation of the area.

2.2.13 MODIFICATION. The District shall have the power to alter and modify the boundary of any area proposed to be formed, provided that no parcel shall be included in an area not included in such area, except when the owner has filed a written protest on that ground, or a written request therefore, or upon written notice to such owner ten days in advance and a further hearing thereon.

2.2.14 BENEFIT. All land proposed to be benefited by a system of water or sewer facilities, or more than one such system, may be formed into an area, and lands served by more than one of said systems may be formed into same area, and all lands not to be served by water or sewer systems may be formed into one or more areas. No lands shall be included within an area which the Board finds will not be benefited by the proposed improvements or their absence and no lands shall be left out of an area which the Board finds will be benefited by being so included.

2.2.15 FORMATION. When the Board has determined the area or areas which shall be benefited by being so formed, it shall by resolution so determine and designate such areas by number, name, purpose and boundary description.

2.2.16 FILING RESOLUTION OF INTENTION. Immediately following the adoption of resolution of intention to form an area or areas, the Secretary shall file a certified copy thereof, accompanied by a map or maps referred to therein, with each the County Assessor, County Commission, and State Commission, as required by C.R.W. 39-1-110.

2.2.17 FILING RESOLUTION OF CREATION. Immediately following the adoption of resolution of creation, the Secretary shall file a certified copy thereof, accompanied by a certified copy of the map or maps delineating such boundaries as finally determined with each the County Assessor, County Commission and State Commission prior to the first day of July preceding

the calendar year during which it is proposed to levy a tax thereon as required by C.R.S. 39-1-110.

2.2.18 LIMITATION. No area should be defined or designated as an unserved area which shall have less than 10 acres in extent.

2.2.19 RATE OF TAXATION. The Board shall annually have power to provide in its budget and to fix a different rate of levy for tax purposes against all of the taxable property within several areas of the District so formed, according to the services and facilities furnished or to be furnished therein, or not furnished or not to be furnished, and its proportionate share of any obligation of the District.

ARTICLE 3. ALTERATION OF BOUNDARIES

2.3.1 GENERAL. If at any time the Board shall be of the opinion that the benefits to any parcel or parcels of land which has been included within an area, or that any parcel or parcels of land which are not included in an area designated as served, is served or is to be served, it may change the boundaries of such area or areas as provided in the Article.

2.3.2 INITIATION OF PROCEEDING. The proceedings for changing boundaries may be initiated by petition of the affected owners or by the Board of its own volition.

2.3.3 PROCEDURE. Proceedings for the alteration of the boundary of any area or areas shall be had as provided for their formation as previously set forth in this Title.

TITLE 3 CODE OF ETHICS

A CODE OF ETHICS REGULATING THE CONDUCT OF DIRECTORS, OFFICERS AND EMPLOYEES OF THE PUEBLO WEST METROPOLITAN DISTRICT

ARTICLE 1. GENERAL PURPOSE.

3.1.1 GENERAL PURPOSE. The General Purpose of this Code of Ethics is to establish guidelines of ethical standards of conduct for all officials and employees of the District by setting forth those acts or actions that are incompatible with the best interests of the District, and by directing disclosure of such officials and employees of private financial or other interests in matters affecting the District.

ARTICLE 2. DEFINITIONS.

3.2.1 BUSINESS ENTITY. Any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust or corporation.

3.2.2 INTEREST. The direct or indirect pecuniary or material benefit accruing to a public officer or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the District except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated.

For the purpose of this Title, a public officer or employee shall be deemed to have an interest in the affairs if:

- a. Any person related to him by blood or marriage in a degree closer than the second degree of consanguinity or affinity (determined by the civil law method), and a divorce or separation between spouses shall not be deemed to terminate any such relationship;

b. Any person or business entity with whom a contractual relationship exists with the public officer or employee;

c. Any business entity in which the public officer or employee is an officer, director, or member having a financial interest in, or employed by;

d. Any business entity in which the stock of, or legal or beneficial ownership of, in excess of five percent (5%) of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the public officer or employee.

3.2.3 OFFICIAL ACT OR ACTION. Any legislative, administrative, appointive or discretionary act of any officer or employee of the District or any agency, board, committee or commission thereof.

3.2.4 PUBLIC OFFICER OR EMPLOYEE. Any person, officer or employee holding a position by election, appointment or employment in the service of the District, whether paid or unpaid, including members of any board, committee or commission thereof.

ARTICLE 3. DIRECTOR CONDUCT

3.3.1 In order to foster a cooperative environment and to further the District's goal of providing quality, cost-effective services, Board members shall observe the following code of ethical conduct during their term of office.

a. The dignity, style, values and opinions of each Director shall be respected;

b. Directors shall endeavor to be responsive and attentive in communications with other Directors and the public;

c. Meeting the needs of the District's constituents should be the primary purpose of each Director;

d. The primary responsibility of the Board of Directors is the formulation and evaluation of policy for the District; day-to-day operations of the District should be left to the District Manager.

e. Directors should focus on issues, not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided;

f. Different points of view are healthy in the decision-making process and are encouraged;

g. Once the Board has voted on an issue; individual Directors shall not take any actions that would create barriers or otherwise impede the District's ability to implement the board's decision;

h. The smooth working of the District is a team effort. All individuals should work together in a collaborative process to assist each other in conducting the District's affairs. The Board functions as a whole, and individual Directors have no authority to speak on behalf of the Board or the District, or bind the District through their individual actions or statements; and

i. Directors shall at all times conduct themselves with courtesy to each other, District staff, District members and to the public present at Board meetings.

j. Directors may vigorously support or oppose issues. Directors shall never attack the motives, character, or personality of a fellow Director, District staff, or citizen either directly or by innuendo or implication.

k. A Director who fails or refuses to speak in an orderly and courteous manner may be denied the right to the floor and, if necessary, may be ejected from the meeting by order of the President or by a majority vote of the Board of Directors.

3.3.2 DISCIPLINE OF DIRECTORS. The Board of Directors acknowledge its inherent right to discipline Directors for actions, behavior and conduct related to their role as a Director, or actions which reflect negatively on the District. The Board of Directors further acknowledge the need to establish a disciplinary system which

affords the accused Director with a fair hearing and due process and is consistent with the District's By-Laws, Rules and Regulations and Colorado law.

a. Steps for imposing discipline shall be as follows:

i. Charges – Charges in a sworn affidavit form stating the alleged violations and preliminary proof should be filed with the Secretary of the Board, or the President of the Board in the case of conflict.

ii. Investigation – A committee consisting of two (2) board members and the District's General Counsel shall promptly investigate the charges and, if it decides that a public hearing is warranted, set a hearing date to present charges against the accused Director.

iii. Notification – The accused Director shall be notified of the public hearing by registered letter at least fifteen (15) calendar days before the date of the hearing, containing a copy of the charges, the time and place of the public hearing, and a statement of the Director's rights to be present at the public hearing, to present a defense, to be represented by an attorney, and to receive a copy of any transcript.

iv. Hearing – The public hearing shall consist of all Board of Directors. The Board of Directors shall preserve decorum and fair play, restrict evidence and testimony to the written charges, and uphold the right of the accused Director to present a defense, to examine and call witnesses, and to refute the charges made. The President of the Board, or an appointed Director, shall present all evidence against the accused Director.

v. Decision – The Board of Directors shall within a reasonable time make findings of fact on the essential points at issue, make a decision of guilt or innocence, based on a preponderance of the evidence, and make a determination of the punishment. The Secretary of the Board shall send a copy of the decision, punishment, and findings of fact to the accused Director.

vi. Penalties – If a Director is found to have violated this Code of Ethics, the Board of Directors shall, by majority vote, determine a graduated punishment

based on the severity of the violation. The Board of Directors may issue the following punishment(s):

1. Public Censure
2. Removal from committee and leadership positions for a specific time period
3. Publically request the guilty Director resign from public office
4. Publically support or request a recall petition

ARTICLE 4. REQUIREMENTS.

3.4.1 GENERAL. The requirements herein set forth shall constitute a code of ethics establishing reasonable standards and guidelines for the ethical conduct of public officers and employees of the District.

3.4.2 INTEREST IN CONTRACT OR TRANSACTION. No public officer or employee having the power or duty to perform an official act or action, related to a contract or transaction which is or may be the subject of an official act or action of the District, shall

- a. Have or thereafter acquire an interest in such contract or transaction, or
- b. Have an interest in any business entity representing, advising or appearing on behalf of, whether paid or unpaid, any person involved in such contract or transaction, or
- c. Have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction, or
- d. Have solicited, accepted or granted a present or future gift, favor, service or thing of value from or to a person involved in such contract or transaction, or
- e. Have encouraged, made or accepted any expert or unilateral application or communication where a determination is to be made after a public hearing

and such public employee fails to make the contents of the communication a part of the record.

3.4.3 EXEMPTIONS. The prohibition against gifts or favors in Article 3.3.2(d) of this title shall not apply to:

- a. an occasional non-pecuniary gift, insignificant in value, or
- b. an award publicly presented in recognition of public service, or
- c. any gift which would have been offered or given to him if he were not an official or employee.

3.4.4 PREACQUISITION OF INTEREST. No public officer or employee, with respect to any contract or transaction which is or may be the subject of an official act or action of the District, shall acquire an interest in or affected by such contract or transaction at a time when the public employee believes or has reason to believe that it will directly or indirectly be affected by an official act or action of the District.

3.4.5 DISCLOSURE OF INFORMATION. No public officer or employee with respect to any contract or transaction which is or may be the subject of an official act or action of the District, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the District, or use such information to advance the financial or other private interest of himself or others.

3.4.6 INCOMPATIBLE SERVICE. No public officer or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of judgment or action in the performance of his official duties, unless otherwise permitted by law and unless disclosure is made as provided in this code.

3.4.7 APPEARANCES. No public officer or employee shall appear on behalf of any private person, other than himself, his spouse or minor children, before any District agency or Board. However, a member of the Board may appear before

District agencies on behalf of his constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

3.4.8 PUBLIC CONTRACTS. No public officer or employee, who in his capacity as such officer or employee participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his part, shall enter into any contract with the District unless:

- a. The contract is awarded through a process of public and competitive bidding, or
- b. The District's attorney or the Board of Directors waives the requirement of this Section after determining that it is in the best interest of the District to do so.

3.4.9 SPECIAL TREATMENT. No public officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

3.4.10 LATER CASE INTEREST. No public officer or employee shall, after the termination of service or employment with the District, appear before any board, commission, committee or agency of the District for a period of two (2) years, in relation to any case, proceeding or application in which he personally participated during the period of his service or employment, or which was under his active consideration.

3.4.11 EMPLOYMENT OF ELECTED OFFICIALS. No person occupying a position as an elected official shall hold a paid District position for a period of two (2) years subsequent to leaving elected office.

ARTICLE 5. EXCEPTIONS

3.5.1 It shall not be deemed a violation of the standards of this Title if the interest of a public officer or employee in a person or business entity is a contractual obligation of less than \$500 which has not been preceded by any other

obligation, discharged or existing, between the parties, and which is not the first in a series of two or more loans or debts which either of the parties is under an obligation to make or incur.

3.5.2 A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of this State to engage is the making of such loans shall not be deemed to create an interest in violation of this Title.

3.5.3 A contract for a commercial retail sale, even though over the value of \$500, shall not be deemed to create an interest in violation of this Title.

ARTICLE 6. DISCLOSURE OF INTEREST IN BOARD ACTION.

3.6.1 Any member of the Board who has a financial interest or personal interest in any proposed action before the Board shall, before any action is taken, disclose on the record

of the Board the nature and extent of such interest.

3.6.2 Any other official or employee who has a financial or personal interest in any proposed Board action and who participates in discussion with or gives an official opinion or recommendation to the Board shall disclose on the record of the Board and nature and extent of such interest.

ARTICLE 7. ENFORCEMENT.

3.7.1 The Board shall have the primary responsibility for the enforcement of this Title. The Board shall have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil action on behalf of the District when a majority of the Board determines that such action is appropriate.

3.7.2 The Board may direct the District's attorney to investigate any apparent violation of this Title or it may employ or appoint any qualified attorney to investigate any violation or series of violations by one or more persons of this Title.

3.7.3 Any person who believes that a violation of any portion of this Title has occurred may file a complaint with the Board, who may thereafter proceed as above provided. However, nothing in this Title shall be construed to prevent complainants from instituting direct legal action through the appropriate judicial authority.

ARTICLE 8. ADVISORY OPINIONS.

3.8.1 Where any public officer or employee has a doubt as to the applicability of any provision of this Title to a particular situation, or as to the definition of terms used herein, he may apply to the Board for an advisory direction and determination. The officer or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of this Title before such advisory determination is made.

3.8.2 Such determination until amended or revoked shall be binding on the District and the Board in any subsequent actions concerning the public officer or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory determination. Such advisory determination shall not be binding in any action initiated by any private citizen.

ARTICLE 9. EXEMPTION, INJUNCTION.

3.9.1 The Board may exempt from the provisions of this Title any conduct found to constitute a violation by a public officer or employee, if it finds that the enforcement of this provision of this Title with respect to such conduct is not necessarily in the public interest.

3.9.2 Any contract or transaction which was the subject of an official act or action of the District in which there is an interest prohibited by this Title, or which involved the violation of a provision of this Title, shall be voidable at the option of the District.

3.9.3 The Board shall have the power, where a violation of the provisions of this Title is threatened or has occurred, to bring civil action or proceeding at law or in equity for a judgment enjoining any violation of the provisions of this interest or the voiding of any such contract or transactions, taking into account the interest of the District and any third persons who may be injured thereby. Where the Board determines that the public interest may best be served by not voiding a contract or transaction entered into in violation of the provisions of this Title, such contract or transaction may be enforced and an action or proceeding may be brought against any public officer or employee found in violation of this Title for damages not to exceed the damages suffered by the District or twice the profit or gain realized by the public officer or employee, whichever is greater.

ARTICLE 10. DISTRIBUTION OF CODE OF ETHICS.

3.10.1 The Secretary to the Board shall cause a copy of this Title to be distributed to every public officer and employee of the District within (30) days after enactment. Each public officer and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon the duties of his office or employment.

ARTICLE 11. SEPARABILITY.

3.11.1 If any provision of this Title is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of the provision of this Title to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Title which can be given effect without the invalid or unconstitutional provision or application.

Adopted by Resolution 2016-91 on 12/13/2016

TITLE 4 WATER AND SEWER

RULES AND REGULATIONS OF PUEBLO WEST METROPOLITAN DISTRICT, PUEBLO WEST, COLORADO

WATER AND SEWER

ARTICLE 1. DEFINITIONS.

4.1.1 APPLICANT. The person making application for a permit to connect to a District waste water or water facility and shall be the owner of the premises to be served by the waste water or water facility for which a permit is requested, or his authorized agent.

4.1.2 BUILDING DRAIN. That part of the lowest horizontal piping of a drain system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building, and conveys it to the sewer service line which shall be no more than five feet outside the interface of the building wall.

4.1.3 CROSS CONNECTION. Any physical connection between the piping system between any building water service and any water supply other than the District water supply, whereby water from another source may be forced or drawn into the District distribution mains.

4.1.4 FIXTURE. Any sink, tub, shower, water closet or any other facility connected by drain to a sewer.

4.1.5 FLOATABLE OIL. Oil, fat or grease in a physical state, such that it will separate by gravity from waste water by treatment in an approved pre-treatment facility. The waste water shall be considered free of floatable fat, if it is properly treated and the waste water does not interfere with the collection system.

4.1.6 GARBAGE. Shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods and the handling, storage and sale of produce.

4.1.7 INTERCEPTOR. The device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes and permit normal sewage or liquid waste to discharge into the disposal terminal by gravity.

4.1.8 NATURAL OUTLET. Any outlet into a water course, pond, ditch, lake or other body of surface or ground water.

4.1.9 OUTSIDE SEWER. A sanitary sewer beyond the limits of the District not subject to the control or jurisdiction of the District.

4.1.10 PERMIT. The written authorization required pursuant to this or any other rule, regulation or resolution of the District for the installation of any sewer or water works.

4.1.11 pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of seven and hydrogen ion concentration of 10^{-7} .

4.1.12 PLUMBING SYSTEM UNIT. All plumbing fixtures and traps or soil waste and vent pipes and all sanitary sewer pipes within a building and extending to the building's sewer connection.

4.1.13 PROPERLY SHREDDED GARBAGE. Shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.

4.1.14 SLUG. Shall mean any discharge of water or waste water which in concentration of any given constituent or in quantity of flow exceeds for any period longer than 15 minutes, more than five times the average 24-hour concentration. A slug also means any flows during normal operation which shall adversely affect the collection system and/or performance of the waste water treatment works.

4.1.15 STORM DRAIN. Shall mean the drain or sewer for conveying water, ground water, sub-surface water or unpolluted water from any source.

4.1.16 SUSPENDED SOLIDS. Shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, waste water or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Waste Water." and referred to as non-filterable residue.

4.1.17 WATER METER SET. Shall mean the complete unit required for measuring water delivered to the customer's property. This complete unit includes the meter(s), can and top, or vault, all valves, piping, and special appurtenances inside the can or vault.

12/8/87 APPROVED RESOLUTION NO. 790

4.1.18 WATER SERVICE LINE. A "water service line" is the pipe carrying water from the District's water main in the public street, alley, or dedicated right-of-way to a building or other point of use on the property. All costs for the installation, maintenance, and/or replacement of these shall be borne by the property owner except for those installed prior to the implementation date of this revision.

ARTICLE 2. GENERAL CONDITIONS OF OWNERSHIP AND OPERATION OF WATER AND SEWER SYSTEMS.

4.2.1 RESPONSIBILITIES OF DISTRICT. The District is responsible for the operation and maintenance of the sewage collection system, water distribution system and treatment works, which operation and maintenance shall be carried out in a sound and economical manner, in accordance with these Rules and Regulations. It shall not be liable or responsible for inadequate treatment or interruption of service brought about by circumstances beyond its control.

The District is generally responsible for providing capital facilities, and shall endeavor to plan for, capitalize and build adequate capital improvements as rapidly as possible consistent with fiscal responsibility and the best interests of

the District; but the District shall not be liable or responsible for failure to approve additional services when capacity is exceeded by demand.

4.2.2 LIABILITY OF DISTRICT. It is expressly stipulated that no claim for damage shall be made against the District by reason of the following: blockage in the system causing the backup of effluent; damage caused by “smoking” of lines to determine drainage connections to District lines; breakage of service mains by District personnel and interruption of service and the conditions resulting therefrom; breaking of any service or supply line, pipe, cock, or meter by any employee of the District; failure of the water supply; shutting off or turning on water in the water mains; making of connections or extensions; damage caused by water running or escaping from open or defective faucets; burst service pipes or other facilities not owned by the District; damage to water heaters, boilers, or other appliances resulting from shutting water off, or for turning it on, or from inadequate or sporadic pressures, or for doing anything to the system of the District deemed necessary by the Board of Directors or their agents. The District shall have no responsibility for notification to customers of any of the foregoing conditions. The District hereby reserves the right to cut off the water supply at any time, for any reason deemed appropriate. This paragraph shall not relieve the District from liability for negligence of its employees, if such liability would otherwise have existed.

4.2.3 OWNERSHIP OF FACILITIES. All existing and future mains and treatment works connected with and forming an integral part of the water and sewage system shall become and are the property of the District, unless any contract with owner or customer provides otherwise. Said ownership will remain valid whether the mains and treatment works are constructed, financed, paid for, or otherwise acquired by the District, or by other persons.

That portion of all existing or future sewer service lines extending from the main to each unit or building and all existing or future water service lines extending from the curb cock and box to each unit or building for each customer that is

connected with and forms an integral part of the District's system, shall become and is the property of the customer. This principle shall not be changed by the fact the District might construct, finance, pay for, repair, maintain or otherwise affect the customer's service line.

4.2.4 INSPECTION POWERS AND AUTHORITY OF DISTRICT AGENTS. The Manager and other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter upon all properties within the District, for the purpose of inspection, observation, measurement, sampling, and testing any of the water or waste water facilities, in accordance with the provisions of these Rules and Regulations.

4.2.5 UNAUTHORIZED TAMPERING WITH SYSTEM.

a. No unauthorized person shall uncover, make any connection with or opening onto, use, alter, or disturb any sewer or water main or appurtenance without first obtaining a written permit from the District.

b. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any portion of the District's system, including fire hydrants, manholes, valves and other appurtenances.

4.2.6 LIABILITY FOR VIOLATION.

a. Any person violating any of the provisions of the Rules and Regulations of the District shall become liable to the District for any expense, loss or damage incurred by the District by reason of such violation.

b. Any person who shall, without authorization, tamper with the District's water or sewer system shall be charged with a misdemeanor and upon conviction thereof shall be fined in an amount as established by the Court.

c. All persons shall be held strictly responsible for any and all acts of their agents or employees done under or contrary to the provisions of these rules or regulations.

d. Any person violating any of these rules or regulations shall be subject to the termination of water and/or wastewater service at the discretion of the Board. In addition, the District may avail itself of any civil remedies available to it. Upon any disconnection of water or sewer service, the District Manager shall estimate the cost of disconnection from and reconnection to the District's system and users shall deposit the cost, as estimated, of disconnection and reconnection before user is reconnected to the system. The District Manager shall refund any part of the deposit remaining after payment of any and all costs of disconnection and reconnection.

e. If disconnected, during the period of such disconnection human habitation of such premises may constitute a public nuisance and the District, in its discretion, may cause proceedings to be brought for the abatement of the occupancy of said premises by humans during the period of such disconnection. In such event, and as a condition of reconnection, reasonable attorney's fees and costs of suit shall be paid to the District.

4.2.7 CUSTOMER RESPONSIBILITY FOR MAINTENANCE. Each customer shall be responsible for maintaining the entire length of the service line serving his property from the building to the District laterals. Leaks or breaks in the service line shall be repaired by the property owner within seventy-two (72) hours of obtaining knowledge of the leak or from the time of notification of such condition by the District. If satisfactory progress toward repairing said leak has not been completed within the time period allowed or if an emergency situation is deemed to exist, the Manager shall shut off this service until the leak or break has been repaired. In addition, the District shall have the right to affect the repair and collect the cost therefore from the customer. Such cost shall constitute a perpetual lien against the property of such customer securing payment of such cost, whether or not such lien against the property is formalized.

4.2.8 CONNECTION MANDATORY. The owner of any premises, houses, buildings or properties used for any purposes, situated within the District and within four hundred (400) feet of a District sanitary sewer or water line shall, in accordance with C.R.S. 32-1-1006(a), connect such building directly with the water or sewer line of the District within twenty (20) days after written notice sent by registered

or certified mail to do so. If such connection is not begun within twenty (20) days, the District may thereafter connect the premises to the sewer and/or water system and shall have a perpetual lien on and against the premises for the cost of making the connection and any such lien may be foreclosed in the same manner as provided by the laws of this State for the foreclosure of mechanic's liens. Connection charges shall be as set forth in [Appendix A](#).

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4.2.9 MODIFICATION, WAIVER OR SUSPENSION OF RULES. Any person who, by reason of special circumstances, is of the opinion that any provision of these rules and regulations is unjust or inequitable as applied to his premises, may make written application to the Board stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.

- a. The Board may, on its own motion, find that by reason of special circumstances any provision of these rules and regulations should be suspended or modified as applied to a particular case; and may, by resolution or motion, order such suspension or modification for such case during the period of such special circumstances or any part thereof.
- b. Any such waiver, suspension or modification shall be in writing, signed by the Board or Manager. Such waiver, suspension or modification shall not be deemed an amendment of the rules and regulations nor as a precedent for any other special circumstances.

ARTICLE 3. SEWER REGULATIONS.

4.3.1 GENERAL. The District is responsible for protecting public health, safety and welfare by controlling substances, materials, waters or wastes deposited in water courses, subsurface drainages and ground waters. The District's sewer system is designed for the disposal of water contaminated by biodegradable wastes and therefore establishes these regulations regarding discharges into the public sewer system.

4.3.2 SPECIAL PERMIT WASTES. The substances, materials, waters or wastes, described herein may be discharged into the District's system only by special permit issued by the District. Such special permit shall ensure that such discharges shall be in concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger the lives, public health, public safety, public welfare, public property or constitute a nuisance. The District may set limitations lower than the limitations established in the regulations below if, in its opinion, more severe limitations are necessary to meet the above objectives. In determining the acceptability of the foregoing substances the District shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities of the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste and the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or waste waters discharged to the sanitary sewer which shall not be discharged without a special permit from the District shall apply, but are not limited, to the following:

- a. Wastewater having a temperature higher than 150 degrees F (65 degrees C).
- b. Wastewater containing more than 25 mg. per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- c. Wastewater from industrial plants containing floatable oils, fat, or grease.
- d. Any garbage that has not been properly shredded (see 4.1.13). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- e. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the District Manager for such materials.

- f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the District Manager.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District Manager in compliance with applicable state or federal regulations.
- h. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- i. Waters or waste containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- j. Public or private swimming pool wastes, storm water, surface water, groundwater, roof run-off, subsurface drainage, cooling water, or unpolluted industrial process waters.
- k. Any septic tank sludge, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solid or gas.
- l. Any waters containing toxic or poisonous solids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with the sewage treatment process.
- m. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater works, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshlings, entrails and paper dishes, cups, milk containers, either whole or ground by garbage grinders in quantities capable of causing obstruction to the flow of sewers.

n. Manufacturing and industrial wastes.

o. Any other waters or wastes, whether liquid, solid or gas, capable of adverse interaction with other water or wastes in the public sewer system releasing obnoxious gases, forming suspended solids which interfere with or cause obstructions to the collection system or otherwise create a condition deleterious to structures and treatment processes.

4.3.3 SPECIAL PERMIT PROCEDURE. Application for a special permit for authorization to discharge the aforementioned water shall be made in writing to the District and shall describe the type of waste proposed to be discharged, the frequency of discharge, the expected duration of the special permit, and other pertinent information which may be requested by the District Manager or Board of Directors. If the special permit is granted, said special permit authorization shall be in writing from the District and shall state all terms and conditions of the permit.

Said terms and conditions may include the pretreatment alternatives and waste reporting alternatives stated below, but by no means are limited to such special conditions or reporting requirements.

4.3.4 PRETREATMENT ALTERNATIVES. Among the types of pretreatment requirements which may be included in the terms and conditions of a special permit are the following:

a. Require pretreatment to an acceptable condition for discharge to the public sewer.

b. Require control over the quantities and rates of discharge.

c. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of the District's existing tap fees and service charge schedule.

d. In considering the above alternatives the District shall give consideration to the economic impact of each alternative on the discharger. If the District permits the

pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District.

4.3.5 WASTE REPORTING. As part of the terms and conditions of any special permit or to determine whether a special permit may be required of a particular user the District may require a user of sewer services to provide the following:

- a. Peak rate and volume of wastewater discharged over a specified period of time.
- b. Chemical analysis of wastewater.
- c. Information on raw materials, processes and products affecting wastewater volume and quality.
- d. Quantity and disposition of specific liquid, sludge, oil, solvent or the materials important to sewer use control.
- e. A plot plan of sewers on the users' property showing sewer and pretreatment facility location.
- f. Details of systems to prevent and control the losses of materials through spills into the District's sewer.
- g. The owner of any property serviced by sewer which may require a special permit may be required to install a suitable structure, such as a manhole, together with necessary meters and other appurtenances in the building's sewer to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessibly and safely located and shall be constructed in accordance with the plans approved by the District. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- h. Where pretreatment or flow equalization facilities are provided or required for any waters or wastes, they shall be maintained in satisfactory and effective operation by the owner, at his expense.

4.3.6 STANDARDS. All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis, subject to approval by the District.

4.3.7 PRIOR AGREEMENT. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment.

ARTICLE 4. WATER REGULATIONS.

4.4.1 GENERAL. This section is intended to provide general regulations regarding use of the District's water system. All applicants for and users of service and connections to the system shall be required to accept such conditions of pressure, supply and service as are provided by the distribution system at the location of the service connection and hold the District harmless for any damages arising out of low pressure, high pressure, inadequate supply or interruptions of service. The District specifically does not accept responsibility for the maintenance of pressure and it reserves the right to discontinue service while making repairs, replacement and connections or performing other work in the operation of the water system. Consumers dependent upon a continuous supply should provide emergency storage.

4.4.2 SUPPLY TO SEPARATE STRUCTURES. Except as provided elsewhere or by special agreement, each house or structure for which the application for water service is hereafter made which fronts on a public street or private road shall have a separate service connection, including a separate meter.

4.4.3 GROUND WIRE ATTACHMENTS. All persons are forbidden to attach any ground wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the District unless such plumbing is adequately connected to an effective driven ground installation on the premises. The District

will hold the customer liable for any damage to its property occasioned by such ground wire attachments.

4.4.4 CROSS CONNECTIONS. All persons must comply with local, state and federal laws governing the separation of dual water systems or installation of backflow protective devices to protect the public water supply from the damage of cross connections. Backflow protective devices must be installed as near the service as possible and shall be open to test and inspection by the District. Plans for installation of backflow protective devices must be approved by the District prior to installation.

- a. In special circumstances when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial process waters, the District may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection of the backflow preventive devices.
- b. As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by him, at his expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.
- c. Whenever backflow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the District's mains entering such premises, building or structures shall be protected by an approved backflow device, regardless of the use of the additional water supply line.
- d. The double check valve or other approved backflow protection devices may be inspected and tested periodically for water tightness by the District. The devices shall be serviced, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by the customer.
- e. The service of water to any premises may be immediately discontinued by the District if any defect is found in the check valve installation or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

4.4.5 ADDITIONAL SERVICE CONNECTION RULES. Not more than one service connection for domestic or commercial supplies shall be installed for one building except under special conditions. A service connection shall not be used to supply adjoining property or a building under different ownership. When property with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

4.4.6 INGRESS AND EGRESS. Representatives from the District shall have the right of ingress and egress to the customer's premises at reasonable hours for any purpose reasonable connected with the furnishing of water service.

ARTICLE 5. WATER METERS AND SERVICE CONNECTIONS.

4.5.1 WATER METERS REQUIRED. All building services shall be metered. A sum of money shall be deposited with the District prior to installation of the facilities to pay all or a portion of the cost of said installation. The building service connection between the curb cock and box and main, whether located on public or private property, is the property of the District for purposes of the District reserving the right to repair, replace and maintain it as well as to remove it upon discontinuance of service.

4.5.2 BUILDING AND SERVICE CONNECTIONS. The District will furnish and install a service of such size and at such location as the applicant requests provided such requests are reasonable. The service will be installed from its water distribution main to the curb line or property line of the premises which may abut on the street, or other thoroughfares, or on the District's right- of-way or easement.

a. All metered service connections will be charged the applicable connection charge. The applicant shall deposit an amount equal to the cost of such meter size as determined by

the District Manager.

b. Only duly authorized employees or agents of the District will be permitted to install that portion of a service connection from the District's main to the curb cock and box. The remaining portion of the building's service line from the curb

cock and box to the building shall be installed by the customer's contractor, at the customer's expense, in accordance with all applicable requirements of the District. The cost of the curb cock and box as well as the line from the District main to said curb cock and box shall be considered part of the connection charge.

c. The provisions of this part 2 shall not apply to Subdivisions or Re-subdivisions of existing lots or parcels.

4.5.3 METER INSTALLATIONS. Upon application and payment of the connection charges, the District will install a proper sized meter in a frost proof box at the property line of the applicant.

4.5.4 SIZE AND LOCATION. The District reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises served. The laying of the service line to the curb cock and box should not be done until the location of the service connection has been approved by the District. The service between the curb cock and box and the building served by the installation shall be the property of the customer and shall be maintained by the customer at his expense. The minimum meter sizes and sizes of customer service line between the meter and the building served shall be based on the total residential units including irrigation, or their equivalent to be served.

Total Minimum Meter Minimum Customer Units Size Service Line Size*

1 (less than 1 acre)	3/4"	1"
1 (1 acre or more)	1"	1-1/4"
2	1"	1-1/4"
3 to 5	1-1/2"	2"
6 to 9	2"	2-1/2"
10 to 29	3"	4"
30 to 59	4"	4" to 6"
Over 59	6" plus	6" to 8"

*Distance or length not to exceed 100 feet without increasing service line size.

The customer service lines must be large enough to provide a minimum pressure of 30 P.S.I. in the building at maximum probable flow as calculated in accordance with the Uniform Plumbing Code. Minimum size of customer service line to each unit from internal distribution line shall not be less than 3/4".

In addition, the maximum flow must not exceed the following limits through the meter.

Meter Size Maximum Peak Flow

3/4" 25 G.P.M.

1" 40 G.P.M.

1-1/2" 80 G.P.M.

2" 128 G.P.M.

3" 240 G.P.M.

4" 400 G.P.M.

6" 800 G.P.M.

4.5.5 CHANGE IN LOCATION OF METER EQUIPMENT. Meter equipment moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the District's property will be moved at the District's expense.

4.5.6 CURB COCK. When circumstances dictate, the District may require that a curb cock be installed. When this added requirement is made the District will furnish the required curb cock and box. Upon installation, the curb cock and box shall remain the District's property. If the curb cock is damaged by the customer's use to the extent that replacement is necessary, such replacement shall be at the customer's expense.

4.5.7 METER TESTS - DEPOSITS. All meters shall be tested prior to installation and no meter will be installed which registers more than two percent (2%) fast. Meters shall be tested upon the customer's request upon receipt of a testing deposit set forth in Appendix A. Should the meter register more than two percent (2%) fast, the service deposit shall be refunded to the customer; but should the

meter register less than two percent (2%) fast, the deposit shall be retained by the District, and, in addition, the customer shall be required to pay any testing cost in excess of the deposit.

4.5.8 ADJUSTMENT FOR METER ERRORS - FAST METERS. If a meter tested at the request of a customer pursuant to Section 4.5.7 is found to be more than two percent (2%) fast, the excess charges for the time service was rendered the customer requesting the test, or for a period of six months, whichever shall be the lesser, shall be refunded to the customer.

4.5.9 ADJUSTMENT FOR METER ERRORS - SLOW METERS. If a meter tested at the request of a customer pursuant to paragraph 5.7 is found to be more than twenty-five percent (25%) slow, in the case of domestic service, or more than five percent (5%) slow for other than domestic services, the District may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, that the meter was in use.

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4.5.10 NON-REGISTERING METERS. If a meter is found to be not registering, the charges for service shall be at the minimum rate or based on the estimated consumption from previous consumption for a comparable period or by such other method as is determined by the District and its decision shall be final.

4.5.11 METER RE-READS. Customers are entitled to one meter re-read each calendar year at no charge. Subsequent meter re-reads will be charged to the customer's account at the rate specified in Appendix A if less than a discrepancy of ten thousand (10,000) gallons is found to exist when the recorded reading has been adjusted to compensate for any consumption since the recorded reading.

ARTICLE 6. PRIVATE FIRE PROTECTION.

4.6.1 PAYMENT OF COST. The applicant for private fire protection service not now installed shall pay the total actual cost of installation of the service from the water main to the customer's premises, including the cost of a detector check

meter or other suitable and equivalent device, valve, and meter box, said installation to become the property of the District. The District may agree to install the connection and meter at cost plus ten percent (10%).

4.6.2 NO CONNECTION TO OTHER SYSTEM. There shall be no connections between this fire protection system and any other water distribution system on the premises.

4.6.3 USE. There shall be no water used through the fire protection service except to extinguish fires and for testing the firefighting equipment.

4.6.4 METER RATES. Any consumption recorded on the meter will be charged for at double the regular service rates except that no charge will be made for water used to extinguish accidental fires where such fires have been reported to the duly authorized fire protection agency.

4.6.5 MONTHLY RATES. The monthly rates for private fire protection shall be established in the District's Schedule of Rates ([Appendix A](#)).

4.6.6 WATER FOR FIRE STORAGE TANKS. Occasionally, water may be obtained from a private fire service for filling a tank connected with the fire service, but only if written permission is secured from the District in advance and an approved means of measurement is available. The regular water rates will be applied.

4.6.7 VIOLATION OF AGREEMENT. If water is used from a private fire service in violation of the agreement or of these regulations, the District may, at its option, discontinue and remove the service.

4.6.8 WATER PRESSURE AND SUPPLY. The District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

4.6.9 RULES. The following rules shall apply to fire service connections:

- a. Valve. When a fire service connection is installed, the valve governing same will be closed and sealed and remain so until a written order is received from the owner of the premises to have the water turned on.
- b. Meter. If the District does not require a meter, and if water is used through a fire service connection for any other purpose than extinguishing of fires, the District shall have the right to place a meter on the fire service connection at the owner's expense, or shut off the entire water supply from such premises.
- c. Additional Service. The District shall have the right to take a domestic, commercial, or industrial service connection from the fire service connection at the curb to supply the same premises as those to which the fire service connection belongs. The District shall also have the right to determine the proportion of the installation costs properly chargeable to each service connection, if such segregation of costs shall become necessary.
- d. Check Valves. The District reserves the right to install on all fire service connections a check valve of a type approved by the National Board of Fire Underwriters, and to equip the same with a bypass meter at the expense of the owner of the property.

ARTICLE 7. TEMPORARY WATER SERVICE.

4.7.1 DURATION OF SERVICE. Temporary service connection shall be discontinued and terminated within six (6) months after installation unless an extension of time is granted in writing by the District.

4.7.2 DEPOSIT. An applicant shall deposit, in advance, the charge as reflected in Appendix A for temporary water service. In addition there shall also be an installation, removal, and relocation charge.

4.7.3 INSTALLATION OF OPERATION. All facilities for temporary service to the customer connection shall be made by the District and shall be operated in accordance with its instructions.

4.7.4 RESPONSIBILITY FOR METERS AND INSTALLATION. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the District which are involved in furnishing the temporary service from the time they are installed until they are removed, or until 48 hours notice in writing has been given to the District that the contractor or other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer.

4.7.5 TEMPORARY SERVICE FROM A FIRE HYDRANT. If temporary service is supplied from a fire hydrant, a permit for the use of a hydrant shall be obtained from the District. It is specifically prohibited to operate the valve of any fire hydrant other than by the use of a spanner wrench designed for this purpose. Any user of water service by fire hydrant permitted by the District must inform the District daily of any use of water from any particular hydrant and must identify the hydrant by hydrant number and location to the District. The District shall charge a deposit for a hydrant meter, a permit fee and a charge for water use from any hydrant as set forth in Appendix A.

4.7.6 UNAUTHORIZED USE OF HYDRANTS. Tampering with any fire hydrant for the unauthorized use of water therefrom, or for any other purpose, is a misdemeanor, punishable by law.

4.7.7 CHARGE FOR UNAUTHORIZED USE OF FIRE HYDRANTS. In the event any person, other than organized fire protection agencies, makes any connection to a fire hydrant without written permission from the District, a charge of Two Hundred Fifty Dollars (\$250.00) shall be paid to the District by the person making such connection. Any such unauthorized connection shall be immediately disconnected upon discovery thereof.

4.7.8 FROM OTHER THAN FIRE HYDRANT. A temporary service connection from a primary source other than a fire hydrant may be procured upon application to the District. Such connection shall be in accordance with this Article.

ARTICLE 8. SERVICE LINE SPECIFICATIONS.

4.8.1 SPECIFICATIONS. Minimum specifications for the construction of sewer service lines and water service lines have been adopted by the District. All installations of these service lines shall comply with said specifications.

4.8.2 LICENSED PLUMBER REQUIRED. Water and sewer service lines shall be installed by a plumber duly licensed by the State of Colorado in accordance with these regulations at the expense of the property owner. The water service line runs from the building to the corporation stop which corporation stop shall be installed by the District. The District will connect the water lateral line from the main to the corporation stop. The sewer service line runs from the building being served to the District lateral sewer. The District will connect the sewer lateral line service to the sewer main.

4.8.3 BACKFILL AND COVER. All service lines and laterals shall be installed with a minimum of four (4) feet of cover. Excavation, trench shaping, pipe bedding, and backfilling are subject to approval of the District's inspector who shall inspect all service lines before they are backfilled. Backfill shall be so compacted that no line will be broken by settlement. All backfills of cuts in public rights-of-way shall be in compliance with the requirements of the District, the County, and the State of Colorado.

4.8.4 SERVICE INSTALLATION PRIOR TO PAVING. The District requires all building service lines (both water and sewer) to be installed prior to street paving and be installed to the property lines as directed by the District at the time the main lines are constructed.

4.8.5 INSPECTION. The applicant for the building sewer or water service permit shall notify the District Manager when the building sewer or water service is ready for inspection and connection to the public water or sewer system. The connection shall be made under his supervision or that of his designated deputy.

4.8.6 OTHER PERMITS. No permits issued by the District shall be taken as authority for the making of any cut in public road or street nor in lieu of any permit required by any other regulatory body.

4.8.7 BARRICADES. All excavation for building, sewer or water service installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District, County or other regulatory body.

4.8.8 UNSPECIFIED MATERIAL. Before any water service line or sewer service line may be installed with materials not specified in these rules and regulations, written approval therefore must be obtained from the District.

4.8.9 DISCONNECTIONS. No water or sewer service line shall be disconnected from the District laterals or mains without the authorization of the District Manager, who shall specify how the same shall be discontinued.

4.8.10 SURFACE AND SUBSURFACE WATER DIVERSION.

a. In any structures erected on the property which is connected to the District Sewer System, if a sump for rain, surface or subsurface water or a subsurface, exterior drainage system is installed, a pump shall be installed and it shall be connected to a drainage system that shall discharge to atmosphere and it shall not be connected to the District's sewage collection system.

b. Should any property be found in violation of this regulation, the District may terminate water service to said property without notice. Water service shall not be renewed to the property until the violation is corrected. In addition, the District may charge a fee equal to the fee determined by paragraph 4.10.8 The Unauthorized Connection Fee plus all actual costs of the District for inspection, administration and legal fees to insure the correction of the violation and for any collection of any amounts due.

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ARTICLE 9. CONSTRUCTION OF MAIN LINE EXTENSIONS.

4.9.1 SPECIFICATIONS. Minimum specifications for construction of sewer main extensions or water main extensions have been adopted by the District. All installations of these extensions shall comply with said specifications.

4.9.2 SEWER AND WATER MAIN EXTENSION APPLICATIONS. A developer or constructor desiring the District to serve any undeveloped area must submit to the Board a preliminary map of the area to be developed, a work plan for all water and sewer facilities to be constructed, and a cost estimate for such water and sewer facilities, including an inflation factor. If appropriate, all such plans for the extension shall be submitted to the District's Engineer for comment and recommendations prior to the Board acting to approve, approve with conditions, or disapprove the submitted documents.

4.9.3 PROCESSING OF SEWER OR WATER MAIN EXTENSIONS WITH THE STATE OF COLORADO, THE COUNTY OR OTHER LOCAL ENTITY. The District assumes no responsibility for the processing of or decision not to process an application for main line extension before the Colorado Department of Health, the County or any other agency. The decision to process or not to process such an application rests solely with the developer or constructor of the main line and the District assumes no responsibility or liability for that decision.

4.9.4 LOCATION OF MAIN EXTENSIONS AND ADDITIONS, AND SERVICE LINE STUB-OUT INSTALLATION. Water or sewer mains shall be installed in roads or streets which the District, the County, the State Highway Department or other public agency has accepted for maintenance as a public right-of-way, as well as any easements granted for the use of the District. All lateral lines and service line stub-outs shall be installed to the property line at the time of construction of the main. All such main lines, laterals and stub-outs shall be constructed prior to paving.

4.9.5 PROCEDURE FOR MAIN EXTENSION CONSTRUCTION. If applicant has agreed to the engineering layout or design and preliminary cost estimated for the work, he shall enter into a standard line extension contract with the District,

covering standard regulations and specifications for line extensions and he shall either:

a. Deposit, in advance, with the District an amount equal to the cost of the contract to be let, including engineering expenses, administration and legal costs so that the District can construct the line extension through contract or with its own forces.

b. If the cost of the work shall increase through change order, the applicant shall be so notified and no change order shall be approved until the deficiency is added to the deposit. Upon completion of the work, the final cost shall be certified by the Manager or his designee and any overage refunded to or deficiency made up by the applicant.

c. All daily inspection fees on main construction required by the County, State Highway Department or local governments shall be paid by the plumber, contractor or others doing work in the District.

d. The applicant shall be responsible for "oversizing" main extensions as required by the District. Any oversizing required of the applicant shall be paid by the applicant, which may be subject to a recovery agreement allowing the applicant certain rights to recover from a subsequent extender, either of extender of mains beyond that of the applicant or of any connection to the main installed by the applicant.

4.9.6 DISTRICT INSTALLED MAIN LINES. Nothing contained herein shall prohibit the District from constructing and paying for main line extensions. If so constructed and paid for by the District, the District shall have the authority to contract with the developer, if any, for the repayment of the District's costs in so extending the main lines. Additionally, a "main extension hookup fee" shall be imposed by the District in excess of the normal tap fee and plant investment fee in sufficient amounts to recover from each owner of a lot or property which may be served by the main line extension the pro-rata share of the cost of the main line extension.

7/27/2010 APPROVED RESOLUTION NO. 1886

4.9.7 MAIN EXTENSION HOOK-UP FEE.

- a. A main extension hookup fee shall be charged and assessed to all lots and/or properties which may be served by any main extension. The property owners or lot owners will be charged an amount equal to the total cost of the construction of the main extension divided by the number of lots and/or properties which may be served by the main extension.
- b. Should a main extension be constructed and paid by any developer or other private party, upon collection of the main extension hookup fee by the District the District shall pay these funds to the person or entity that constructed and paid for the main extension.
- c. If the main extension is constructed and paid for by the District the District shall assess a main extension hookup fee against the property in the pro-rata amounts set forth in sub-paragraph a. above to each lot or property.
- d. No water or sewer tap shall be issued unless the main extension hookup fee is paid in full either at the time of application for a tap or at any time prior to that date.
- e. The amount of the main extension hookup fee charged for each lot or property which may be served by a main extension shall be adjusted on January 15th of each year in an amount equal to the percentage set forth in the Engineering News Record Construction Cost Index.
- f. The assessment for the main extension hookup fee shall constitute a perpetual lien on and against the lot or property which may be served by the main extension until the fee is paid.

ARTICLE 10. APPLICATION AND PERMIT FOR SERVICE.

4.10.1 CONNECTION PERMIT.

- a. Before any connection is made to the sewer or water mains a permit therefore shall be obtained from the District and the required charges therefore paid.

Application for a water and sewer connection permit shall be made to the District on forms furnished by the District, which shall give a full description of the work to be done, the address of the unit to be served, the name of the licensed plumber to perform the work under the permit and such other information as may be required by the District. In addition, each application must be accompanied by a Certificate of Approval of the plans and specifications issued by the Pueblo West Committee of Architecture and no application will be considered until the Certificate of Approval is received. Any permit may be revoked if the installation or use of a water or sewer service line is not made in accordance with these regulations and any prescribed specification of the County and the District.

b. Plant Investment Fee, Water and Sewer - A Water Plant Investment Fee and a Sewer Plant Investment Fee shall be charged at the time of receipt by the District of an application for water service. The Water Plant Investment Fee and the Sewer Plant Investment shall be collected at the time of receipt of the application by the District. If either the Water Plant Investment Fee or the Sewer Plant Investment Fee is not paid at the time the application is submitted, the application shall not be accepted or processed by the District. The Water Plant Investment Fee and the Sewer Plant Investment Fee to be charged and then collected is set forth in Appendix A to the Rules and Regulations. The Sewer Plant Investment Fee shall not apply to property that does not connect to the District's sewage collection system.

4.10.2 SEPARATE PERMIT. Not more than one connection to the water or sewer mains shall be allowed under each permit. A permit shall be limited to one building. No combination of permits shall be allowed and each water and each sewer permit is separate from any other permit. No permit issued by the District shall be taken as authority for the making of any cut in a public road or street, nor shall such District permit be in lieu of any permit required by any other regulatory body.

4.10.3 DENIAL OF APPLICATION. The District reserves the exclusive right to deny application for service when, in the opinion of the Board, the service applied for would create an excessive seasonal or other demand on the facilities. Denial may also be based upon an unresolved obligation between the District and the

applicant, inadequate documentation or easements for main lines serving the property, or other valid reasons.

4.10.4 CANCELLATION OF APPLICATION AND REFUND OF FEES. The District reserves the right to revoke any application previously granted, before service has been provided. Application for service does not bind the applicant to "use the service". Such application shall be retained along with the fees paid, by the District, for a period of twelve (12) months. If the applicant has not then requested service, the application will be deemed to be canceled. The District may retain the fees paid until refund is requested; or may continue assessment of minimum service charges. The District shall, upon request, refund to applicant all sums paid less a processing fee of 20% thereof.

4.10.5 INCLUSIONS. Service will be furnished only to property which is included within and subject to the rules and regulations and taxation of the District, subject to the further provisions of these rules and regulations. It shall be incumbent upon the applicant to furnish satisfactory evidence of inclusion whenever such evidence is requested by the District. A formal request for inclusion into the District shall be made to the District in its standard form by the applicant, accompanied by a non-refundable payment of \$300.00 toward legal fees and costs of publication. Any additional costs which may occur shall be assessed and paid prior to approval by the Board.

4.10.6 SERVICE OUTSIDE THE DISTRICT. No service shall be provided property outside of the District except upon express written approval of the Board. Charges for furnishing service outside the District shall be at the discretion of the Board, but no service shall be furnished property outside the District unless the charge therefore equals at least the cost of service plus the estimated mill levy and tap fees for which such property would be responsible if it were a part of the District. In every case where the District furnishes service to property outside the District, the District reserves the right to discontinue the service when, in the judgment of the Board, it is in the best interests of the District to do so and such license shall be considered a revocable license.

4.10.7 CHANGE IN CUSTOMER'S EQUIPMENT OR SERVICE.

a. No change in the customer's equipment or service shall be made without prior approval of the District being first obtained. Any change in a customer's equipment or service which increases the level of service provided by the District shall require a re-determination and payment of an increased tap fee and monthly service charge. The re-determined tap fee shall allow a credit for previously paid tap fees. Changes in a customer's equipment or service which results in a decrease in the service provided by the District shall not result in a reduction or refund of tap fees.

b. When the building served by the tap authorization is destroyed, the tap authorization is terminated unless specific written authorization for continuance thereof is given by the District Manager.

c. When the building served by the tap authorization, to include mobile homes and modular homes, is moved from the property, the installed meter shall be removed and the property shall revert to the Availability of Service (AOS) charges unless specific written authorization for continuance of service is granted by the District Manager. If the water service meter is removed, a reinstallation service charge of one hundred dollars (\$100.00) must be paid after property application and approval has been effected.

4.10.8 UNAUTHORIZED CONNECTION FEE. An unauthorized connection fee equal to two times the amount of the normal tap fee in addition to the normal tap connection fee shall be payable by persons tapping onto the District's lines without prior payment of connection fees, approval of application or adequate inspection of lines.

ARTICLE 11. RATES, CHARGES, AND BILLING.

4.11.1

a. General. The information contained in this Article is pertinent to all rates and charges of whatever nature to be levied for the provision of sewer and/or water services. Said rates and charges as established herein, and attached as Appendix

A, are in existence and effect at this time, under provisions of these rules and regulations and under the applicable statutes of the State of Colorado. Nothing contained herein shall limit the

Board from modifying rates and charges, from modifying any classification or from effecting such modification without prior notice, except for Availability of Service charges, which notice shall be provided per C.R.S. 32-1-1006(1)(h), et seq.

b. Sewer Service Charges. The District Manager shall review the total annual cost of operation and maintenance annually, in conjunction with the development and preparation of the District's annual budget, as well as each user's contribution percentage, for the purpose of revising the service charge system as necessary to assure equity of the established charge system and to assure that sufficient funds are obtained to adequately operate and maintain the sewer system treatment facilities.

Excess of revenues collected from a class of users compared to the costs of operations and maintenance attributable to that class of users shall be applied to that class' cost projected for the following year and the rates will be adjusted accordingly.

4.11.2 APPLICATION OF THIS SECTION. The rates, charges and other information shown herein shall apply only to customers within the District and shall apply only to sewer and/or water service. These provisions shall in no way obligate the District with respect to any special agreement user. In those situations where, in the Board's sole discretion, the monthly service charges or tap fees provided herein do not represent a fair, reasonable and equitable charge for the intended use, the Board may adjust said rates.

4.11.3 BILLINGS. The term "monthly" for billing purposes shall mean the period between any two consecutive readings by the District of the meter(s) at the customer's property and such readings are to be taken as nearly as practicable every thirty (30) days.

Should the District be unable to read the meter(s) because of inclement weather conditions, the District Manager may authorize the estimation of meter readings.

The basis for the estimation will be the customer's consumption experience during the most recent like billing period. (e.g. December current year, vs. December prior year.) If the next reading shows that the bill for the amount of water delivered since the previous reading is not equal to as much as the minimum charge (RTS plus no-charge water) for each month that has passed since the previous meter reading, then the customer shall pay the minimum charge for each month since the last regular reading.

Failure to receive a bill in no way exempts the customer from payment for services rendered. The District will mail to the customer, at the service address shown on the application, or to another mailing address designated by the customer, a bill for water and sewer services delivered, and it shall be conclusively presumed that the customer received said bill by mail within seventy-two (72) hours after the bill was mailed.

4.11.4 NONPAYMENT. Service shall be revocable by the District upon nonpayment of valid fees owing to the District. If bills are not paid within thirty (30) days after mailing by the District, the District may issue a notice, in writing, that disconnection will occur after ten (10) days of the date of mailing by first class mail, personal delivery or posting on the building being serviced. Said notice shall set forth:

- a. The reason for disconnection;
- b. The manner in which the District may be contacted for the purpose of resolving the obligation; and
- c. That there exists an opportunity for a hearing prior to disconnection.

If the obligation is not resolved within the time prescribed, service to the property shall be revoked by blocking or disconnecting the appropriate water or sewer line, either public or private, serving the property, and/or the District may proceed to foreclose the lien created by C.R.S. 32-1-1001 (1)(j) and 4.11.6 of these Rules and Regulations. All costs of disconnection and collection will be assessed to the customer.

4.11.5 LIABILITY FOR PAYMENT. All fees, rates, tolls, penalties or charges shall constitute a perpetual lien on and against the property served and any such lien may be foreclosed in the same manner as provided by the laws of the State for the foreclosure of mechanic's liens. If the District takes any action to collect the payment of any customer's account which is late, the customer, in addition to any other damages assessed, shall be responsible for all turn off and turn on fees, all costs of the District, including reasonable attorney fees and court costs necessary to or incidental to the collection of said account.

It is the responsibility of the Purchaser of property to ascertain that the water and/or sewer account is paid to date of sale. (See Section 4.11.12e).

All charges for water and sewer service shall be billed directly to the owner of the property. All delinquent bills are the responsibility of the property owner and if service is turned off due to late payment or nonpayment all charges including delinquent payments must be paid before service shall be turned on to the property.

4.11.6 UNCOLLECTIBLE ACCOUNTS. When any valid charges by the District become uncollected or uncollectible for any reason including, but not limited to, tax sale, foreclosure, bankruptcy or any other reason, service authorization to the property will terminate. Restoration of service will be authorized upon payment of the then current tap or connection fees as if it were a new service.

4.11.7 CASH DEPOSIT. The District shall require a cash deposit from all builders, contractors or agents thereof to ensure payment of costs incurred during construction. Any excess of deposit over actual costs shall be refunded to the building contractor or agent thereof. The District may require, at any time, from any customer or prospective customer, a cash deposit intended to ensure payment of current bills; such deposit will not exceed an estimated ninety (90) days' bill for such customer.

4.11.8 TURN OFF AND TURN ON FEES. If services are turned off for any reason the turn off fee as set forth in Appendix A shall be charged. Upon payment of any fees or for any other reason upon the District turning on service to a property, a turn on fee as set forth in Appendix A shall be charged. It shall be illegal for any

person other than authorized employees or officials of the District to turn off or turn on services.

If services to a property have been turned off, the property owner shall pay a turn on fee as set forth in Appendix A before the District shall turn on service to the property.

4.11.9 AVAILABILITY OF SERVICE CHARGE. A monthly service charge for water service availability shall be levied and opposed against property not connected to and serviced by District's water or sewer facilities where lines have been installed within 100 feet of the property line of the property. The monthly charge shall be billed and collected semi-annually in January and July each year for each month of non-use after line installation has been completed, or where the non-user's property has been disconnected for any reason from the District's sewer or water services, for each month of non-use after such disconnection. The Availability of Service Charges shall be as set forth in Appendix A.

4.11.10 DISTRIBUTION OF BILLINGS. The District reserves the right to issue only one bill for a multi-unit structure or developments; to issue one bill for all units serviced by a condominium or homeowners' association. In all instances owner of the property remains ultimately liable for all charges, fees, deposits, penalties, interest or other sums due in relation to water and sewer service provided by the District.

4.11.11 AFTER HOURS SERVICE REQUESTS. If a customer requests service on other than regular work days (Monday through Friday) and outside of regular work hours (7:30 a.m. through 4:30 p.m.) which results in a "call-out" of a District representative, and it is determined that the emergency is on a customer's property (i.e. a leak, break or other problem is on the customer's side of the meter) a minimum fee set forth in Appendix A shall be charged to cover the minimum employee call-out cost. If costs exceed the minimal call-out costs, the prevailing over-time hourly rate set forth in Appendix A will be added to the minimum charge as required.

4.11.12 OTHER FEES, CHARGES AND PENALTIES.

- a. A service charge will be levied against any account for which payment has been attempted with a dishonored check. The amount of the service charge is set forth in Appendix A.
- b. If for reason of non-payment of Availability of Service charges it is deemed necessary to file a lien against property, a service charge will be added to defray related costs involved. Subsequent payments will be first applied to penalties, then to any interest and lastly to the Availability of Service charge. The amount of the service charge is set forth in Appendix A.
- c. All fees, charges and other payments due the District on any account are payable twenty-five (25) days from the billing date. Any payment received by the District more than twenty-five (25) days from the billing date shall be considered delinquent and the party responsible for paying the fee, charge or other payment shall be assessed and charged a penalty as set forth in Appendix A. All payments received by the District shall be first applied to any penalties or interest charges assessed and then against sewer charges, and lastly against water charges.
- d. A "transfer charge" shall be made for any change of responsible parties listed on the account. The charge shall be levied against the new responsible party. The amount of the charge is as listed in Appendix A.
- e. The final reading fee as set forth in Appendix A shall be charges should any customer request a final reading for transfer or for turn off unless the final reading is on the normal meter reading date for that property. If the transfer of ownership of the property occurs the final billing shall be paid within three (3) days of the date of transfer of the property. If the final billing is not paid within three (3) days of the date of transfer, the District shall turn off water service to the property.

ARTICLE 12. WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN

6/11/02 APPROVED RESOLUTION NO. 1428

4.12.1 PURPOSE. This Water Conservation and Drought Contingency Plan is adopted for the purpose of conserving the available water supply and protecting the integrity of the District's water system with particular regard of domestic water use, sanitation and fire protection and to protect and preserve public health, welfare and safety and minimize the adverse impacts of water supply, shortage or other water supply emergency conditions.

4.12.2 DEFINITIONS. The following definitions shall apply to provisions of this Article 12. Two Year Normal Water Usage shall be defined as the number of 3/4 inch equivalent water taps supplying water to water users within the District existing on May 1 of any year multiplied times ½ acre foot of water multiplied times 2.

Two Year Water Supply shall be defined as the amount of water in storage plus the amount of water estimated to be available to the District by Twin Lakes Reservoir & Canal Company for the then current water year as determined by Twin Lakes Reservoir & Canal Company from time to time.

System Water Demand shall be defined as the amount of water produced and used by District water users on a daily, weekly or monthly basis as set forth in these Regulations.

Landscape Watering shall be defined as watering with underground sprinkler systems or with stationary or movable sprinklers attached to a hose (not hand held) of grass lawns.

Stage 1 – Conservation State – a water conservation state or Stage 1 of the Water Conservation and Drought Contingency Plan shall be in effect if any of the following criteria are met:

a. The District's available two year water supply falls to 90% or less of the current two year normal usage; or

b. The system water demand reaches 90% of treatment capacity daily for four (4) consecutive days; or

c. Deficiencies in the District's distribution system limit supply capabilities.

Stage 2 – Water Warning – a water warning state or Stage 2 of the Water Conservation and Drought Contingency Plan shall be in effect if any of the following criteria are met:

a. The District's available two year water supply falls to 80% or less of the current two year normal usage; or

b. The system water demand reaches 96% of treatment capacity daily for four (4) consecutive days; or

c. Deficiencies in the District's water distribution system limit supply capabilities.

Stage 3 – Water Emergency – a water emergency state or Stage 3 of the Water Conservation and Drought Contingency Plan shall be in effect if any of the following criteria are met:

a. The District's available two year water supply falls to 70% or less of the current two year normal usage; or

b. The system water demand reaches 100% of treatment capacity daily for four (4) consecutive days; or

c. Short term deficiencies in the District's water distribution system limit supply capabilities such as but not limited to system outage due to failure or damage of major water system components.

Stage 4 – Water Crisis – a water crisis state or Stage 4 of the Water Conservation and Drought Contingency Plan shall be in effect if any of the following criteria are met:

- a. The District’s available two year water supply falls to 60% or less of the current two year normal usage; or
- b. The system water demand reaches 110% of treatment capacity daily for four (4) consecutive days; or
- c. Short term deficiencies in the District’s water distribution system that limit supply capabilities such as system outage or failure; or
- d. Inability to maintain or replenish adequate volumes of water in storage to provide for public health and safety.

Stage 5 – Emergency Water Shortage – an emergency water shortage state or Stage 5 of the Water Conservation and Drought Contingency Plan shall be in effect if any of the following criteria are met:

- a. Major water line breaks or pump or system failures occur which cause unprecedented loss of capability to provide water service; or
- b. Natural or manmade contamination of the water supply sources.

4.12.3 SYSTEM MONITORING.

- a. The District Manager or his or her designee shall monitor the water system and the demand conditions for water usage of the District and shall determine when conditions warrant initiation or termination of each stage of the Water Conservation and Drought Contingency Plan.

4.12.4

A. REQUIREMENTS AND RESTRICTIONS FOR STAGE 1 – CONSERVATION STATE

When the District Manager determines that Stage 1 or Conservation State water or supply shortage is in effect he shall give notice and request all water users to voluntarily conserve water and voluntarily adhere to the following water use restrictions. The goal is to reduce total monthly water use by 10% of the previous year's usage. The following water use restrictions shall be mandatory for District owned facilities.

- a. Landscape watering for each landscaped area shall be limited to two (2) days per week and that such irrigation shall only occur between the hours of 12:01 a.m. and 7:00 a.m. and between the hours of 7:00 p.m. and 12:00 midnight each day.
- b. Hydrant use for road compaction or other uses other than as required for firefighting shall be eliminated. Where available, reuse or well water will be used by the District for road compaction and construction.
- c. Vehicle washing shall be reduced except where health, safety and welfare of the public is contingent upon frequent vehicle cleansing.
- d. Limit irrigation of flowers, shrubs, trees and ornamental gardens to hand held garden hose, soaker hose, bucket or drip irrigation system.
- e. Request that all water users conserve and minimize or discontinue water use for all non-essential purposes.

B. WATER RESTRICTIONS FOR STAGE 2 – WATER WARNING

When the District Manager determines that Stage 2 or water warning state is in effect he shall give notice and request all water users to voluntarily conserve water. The goal is to reduce total monthly water use by 20% from the previous year's usage. The following water use restrictions shall be in effect.

- a. All water restrictions set forth for Stage 1 – Conservation State set forth above.

b. The implementation of a temporary conservation water use charge by the addition of a charge for consumption of all water above 25,000 gallons per month shall be charged at the rate of \$6.00 per thousand gallons.

This temporary water conservation rate shall apply to rate code number 41 set forth in Appendix A of the Rates and Charges of the Rules and Regulations of the District.

c. Contracts and supplying of potable water outside the District shall be suspended where applicable.

C. WATER RESTRICTIONS FOR STAGE 3 – WATER EMERGENCY

When the District Manager determines that Stage 3 or water emergency state is in effect he shall give notice and request all water users to conserve water and adhere to the following water use restrictions. The goal is to reduce total monthly water use by 30% from the previous year's usage. The following water use restrictions shall be mandatory for all water users.

- a. All requirements of Stage 1 – Conservation State and Stage 2 – Water Warning shall remain in effect.
- b. Landscape watering shall be limited to two (2) days per week only between the hours of 12:01 a.m. and 7:00 a.m. and between the hours of 7:00 p.m. and 12 midnight on the day corresponding to the last two (2) digits of the service address as set forth below.
 1. Addresses that end in numbers 00 through 33 will be restricted to watering on Monday and Thursday only.
 2. Addresses that end in numbers 34 through 66 will be restricted to watering on Tuesday and Friday only.
 3. Addresses that end in number 67 through 99 will be restricted to watering on Wednesday and Saturday only.

No watering shall be allowed from 12:01 a.m. to 12 midnight on Sundays. The lowest address number will identify properties having multiple addresses for one water meter. If no address exists for the property the District Manager or his or her designee will assign an address to the property for the purposes of this Article.

c. The water usage rate for consumption greater than 10,000 gallons but less than 25,000 gallons per month shall be increased to \$4.00 per thousand gallons for all customers in rate code number 41 as set forth in Appendix A – Rates and Charges of the Rules and Regulations of the District.

d. Limit irrigation of flowers, shrubs, trees and ornamental gardens to hand held garden hose, soaker hose, bucket or drip irrigation system.

D. WATER RESTRICTIONS FOR STAGE 4 – WATER CRISIS

When the District Manager determines that Stage 4 or water crisis state is in effect he shall give notice and request all water users to conserve water and adhere to the following water use restrictions. The goal is to reduce total monthly water use by an amount so the District is able to provide essential potable water for domestic use. The following water use restrictions shall be mandatory for all water users.

a. All requirements of Stage 1 – Conservation State, Stage 2 – Water Warning and Stage 3 – Water Emergency shall remain in effect during Stage 4 – Water Crisis.

b. There shall be no outside water usage permitted during a Stage 4 - Water Crisis.

E. STAGE 5 – EMERGENCY WATER SHORTAGE

The District Manager shall determine what stage or stages and which water restrictions shall be implemented and the specific water use restrictions necessary to protect the water system and provide adequate water supply for public consumption and hygiene. The goal is to reduce total monthly water use to allow the water system to recover from the emergency condition.

4.12.5 FAILURE TO REACH GOALS.

If the water reduction goal of each stage set forth above has not been met the District Manager is authorized to declare a higher stage state of conservation necessary to achieve the required water use reduction.

4.12.6 VIOLATIONS.

a. A water customer violates the restrictions of the Water Conservation and Drought Contingency Plan if he or she makes, causes or permits a use of water supplied by the District in violation of any of the restrictive measures implemented by the District Manager as set forth above after notice has been given pursuant to Section 4.12.9.

b. No person shall allow the use of water supplied by the District for residential, commercial, industrial, agriculture, governmental or any other purpose in a manner contrary or in violation of any provision of this Article or in an amount in excess of that permitted by this Article for any water conservation stage in effect at the time pursuant to notice as set forth in Section 4.12.9.

4.12.7 PENALTIES.

a. Any water customer found in violation of the mandatory restrictions as set forth above shall be penalized as follows:

1. A warning shall be issued for the first violation.

2. A penalty in the amount of \$50.00 shall be assessed for a second violation.

3. A penalty in the amount of \$500.00 shall be assessed for a third violation or for any violations in excess of three (3).

b. Each day that one or more of the provisions of the water restrictions set forth in this Article are violated shall constitute a separate violation. If a person commits three or more violations of the restrictions in each time period for which the restrictions have been implemented, after due notice to the customer as set

forth in Section 4.11.4 of these Rules and Regulations, the District shall discontinue water service to the premises where such violations occur. Service to any premises where service has been discontinued shall be restored only upon payment of all fees pursuant to this Title 4 and any other costs incurred by the District in discontinuing service. Should any customer contest the finding of a violation by the

District the customer shall be entitled to a hearing before the District Manager if notice of such contest is received by the District within ten (10) days of the date of mailing of the Notice.

4.12.8 VARIANCE, WAIVER, OR SUSPENSION OF RESTRICTIONS.

a. Any person requesting a variance, wavier or suspension of the provisions of this Article shall file a petition for such variance with the District Manager within five (5) days after notice of a particular water conservation stage has been given by the District Manager. The Petition shall include:

1. The name and address of the petitioner.
2. The purpose of the water use claimed by the petitioner which cannot meet the restrictions.
3. The specific provisions of the Plan from which the petitioner is requesting relief.
4. A detailed statement as to how the specific provisions of the Plan adversely affect the petitioner or what damage or harm will occur to the petitioner or others if the petitioner complies with the restrictions in place.
5. A description of the relief requested.
6. The period of time for which the variance is sought.
7. Alternative water use restrictions or other measures that petitioner has taken or proposed to take to meet the goal of the water use reduction.

8. Other pertinent information.

b. The Manager or his or her designee may grant a temporary variance for existing water uses otherwise prohibited under this Article if he or she determines that failure to grant such a variance will cause an emergency condition adversely affecting the health, sanitation or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met.

1. Compliance with the provisions of this Article cannot be technically accomplished during the duration of the water supply shortage or other condition for which the restrictions are in effect.

2. Alternative methods can be implemented which achieve the same level of reduction in water use.

c. Any variance granted by the District Manager or his or her designee shall be subject to the following conditions unless waived by the District Manager.

1. Variance granted shall include a time table for compliance.

2. Variances granted shall expire when restrictions for any particular water conservation stage is no longer in effect or if the petitioner fails to meet specified requirements whichever shall occur first.

4.12.9 NOTICES.

a. The District shall give notice of all increased rates pursuant to any provisions of this Article by mailing said notice to all water customers at least two (2) weeks prior to the

beginning of any billing cycle.

b. The District shall give notice for any landscape watering restrictions two (2) weeks before said restriction goes into effect by mailing said notice to all water customers of the District.

c. In addition to the two (2) weeks mailing notice the District shall request that notification be given to the public by publication in a newspaper in general circulation within the District and shall attempt to give notice by requesting that radio and television stations disseminate the landscape watering restriction notice.

4.12.10 TEMPORARY MODIFICATIONS.

a. The District Manager, at the direction of the Board of Directors, may provide temporary modifications to the plan as it relates to hours of watering for landscape watering and for the watering of flowers, shrubs, trees and ornamental gardens.

TITLE 5 ALCOHOL CONSUMPTION

RULES AND REGULATIONS OF PUEBLO WEST METROPOLITAN DISTRICT PUEBLO WEST, COLORADO REGULATIONS CONTROLLING THE POSSESSION AND CONSUMPTION OF ALCOHOL IN AND UPON CERTAIN PROPERTY OF THE DISTRICT

ARTICLE 1. GENERAL PURPOSE

8/13/91 APPROVED RESOLUTION NO. 960

5.1.1 CONTROL OF ALCOHOLIC BEVERAGES. The purpose of this Title is to control the possession or consumption of alcoholic beverages in, on or about property which is owned by the District, or which is held by the District for public recreational use of the residents. The Board has determined that this Title is in the best interests of the District and its residents.

ARTICLE 2. SUPPLEMENTATION.

5.2.1 DISTRICT PROPERTY RESTRICTION. No alcoholic beverages shall be carried upon,

possessed or consumed within or upon any properties owned by the District, which have been designated as public parks, playgrounds, swimming pools, equestrian trails or any other property which has been dedicated for public recreational purposes, except as provided in paragraph 5.2.2 of this Article.

5.2.2 REQUEST FOR PERMIT. Any person, corporation or group wishing to conduct a function on property of the District of described in paragraph 5.1.1 of this Article, at which alcoholic beverages may be consumed, shall submit a written request, upon a form supplied by the District, substantially the same as that form attached to these Rules and Regulations as Appendix C, to the District for a permit to have or consume alcoholic beverages on such property in connection with said function. Such permit shall be granted or denied by the Manager of the District so as to promote the general welfare of the residents of the District and in accordance with these Rules and Regulations. The Board of Directors at the request of the Manager, the Applicant or any Board member may review any application and grant or deny said application. The action of the Board on any application reviewed by the Board is final.

A fee for the Application of the permit to cover administrative costs shall be paid by the Applicant at the time the request for permit is made. Said fee shall be as set forth in Appendix B to these Rules and Regulations.

5.2.3 CONSENT. Any person going upon any property described in paragraph 5.1.1 of this Article owned by the District shall be deemed to have consented to the terms of this Title and any person violating any section of this Title shall be considered a trespasser and shall be dealt with as prescribed by law.

ARTICLE 3. NOTICE.

5.3.1 POSTING. A copy of this Title shall be posted in the following places within the District:

- a. Recreation Building, 230 East George Drive.
- b. Pueblo West Post Office.
- c. District Offices, 109 E. Industrial Boulevard.
- d. Concession Stand, Pueblo West Swimming Pool.
- e. Announcer's Booth, Baseball Field No. 2, Lovell Park.

5.3.2 NOTICE TO SHERIFF. A copy of this Title shall also be furnished to the Pueblo County Sheriff to place him on notice that should violations of this Title occur, the Sheriff's Department shall be called upon to take appropriate action against such violators

TITLE 6 CODES

ARTICLE 1. PURPOSE

6.1.1 ADOPTION OF UNIFORM FIRE CODE. There is hereby adopted by the Pueblo West Metropolitan District for the purposes of proscribing regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosion that certain Code known as the "Uniform Fire Code" including Appendices and Appendix Standards published by the International Fire Code Institute being particularly the 1997 edition thereof and the whole thereof, a copy of which has been and is now filed in the office of the Fire Chief of the

Pueblo West Metropolitan District and the same is hereby adopted as fully as if set out at length herein and from the date on which this resolution shall take effect the provisions thereof shall be controlling within the limits of the Pueblo West Metropolitan District.

ARTICLE 2. ENFORCEMENT.

6.2.1 The Uniform Fire Code is adopted herein and shall be enforced by the Fire Chief or the Fire Chief's designee of the Pueblo West Metropolitan District Fire Department.

6.2.2 The Fire Chief shall recommend to the District the employment of technical inspectors who, when such authorization is made, shall be selected based upon their fitness for the position.

ARTICLE 3. DEFINITIONS.

6.3.1 Wherever the word jurisdiction is used in the Uniform Fire Code, it is the Pueblo West Metropolitan District.

6.3.2 Where the party responsible for the enforcement of the Uniform Fire Code is given a title of Fire Marshall, the Fire Marshall shall be Fire Chief or the designee of the Fire Chief.

ARTICLE 4. ESTABLISHMENT OF LIMITS AND AREAS FOR STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS, EXPLOSIVE AND BLASTING AGENTS, COMPRESSED NATURAL GAS, LIQUEFIED PETROLEUM GASES, FLAMMABLE CRYOGENIC FLUIDS AND HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED.

When it is referred to the appropriate sections of the Uniform Fire Code

concerning the storage of the above referenced materials, for commercial uses, and such storage is restricted to areas designated as industrial areas and shall be approved by the Fire Chief or his designee.

ARTICLE 5. APPEALS.

Whenever the Chief or his designee disapprove an application or refuses to grant a permit applied for or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Board of Directors of the Pueblo West Metropolitan District within 30 days from the date of the decision appealed.

ARTICLE 6. NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The District Manager and the Fire Chief shall act as a committee to determine and specify after giving effected persons an opportunity to be heard any new materials, processes, or occupancies for which permits are required in addition to those now enumerated in the Uniform Fire Code. The Fire Chief shall post such list in a conspicuous place at the Fire Department and distribute copies thereof to interested persons.

ARTICLE 7. PENALTIES.

6.7.1 Any person who violates any of the provisions of the Uniform Fire Code as adopted and amended herein or fails to comply therewith or who violates or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who fails to comply with such an order as affirmed or modified by the Board of Directors of the Pueblo West Metropolitan District or by a court of competent jurisdiction and within the required time shall severally for each and every such violation and non

compliance respectively be guilty of a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$300.00. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. Each day a violation is found shall constitute a separate offense.

6.7.2 The Board of Directors hereby declares that should any section, paragraph, sentence, or word of this Ordinance or the Uniform Fire Code as adopted herein be declared, for any reason, to be invalid it is the intent of the Board of Directors that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

ARTICLE 8. DATE AND EFFECT.

This resolution shall take effect and the Uniform Fire Code as adopted herein shall be in force from and after its approval as required by law.

7/28/98 APPROVED RESOLUTION NO. 1284

TITLE 7 VEHICLE CODE

VEHICLE CODE

ARTICLE 1. PURPOSE.

7.1.1 NECESSITY. The Board believes that it is necessary to establish safety protection through traffic, speed and safety controls on the streets and highways within the District.

ARTICLE 2. ADOPTION BY REFERENCE.

7.2.1 COLORADO MOTOR VEHICLE CODE. The Colorado Motor Vehicle Laws 1973 as amended, are hereby adopted as applicable to the District.

ARTICLE 3. SAFETY AND TRAFFIC REGULATIONS.

7.3.1 AUTHORIZED AGENT. The District Manager shall be the authorized agent of the District in all matters relating to safety and traffic regulations, except as set forth below.

7.3.2 MANAGER'S AUTHORITY. The District Manager shall have full authority to modify traffic regulations except speed limits, for the purpose of improving traffic flow and public safety on District streets when circumstances require such change. Modifications and changes in these traffic regulations shall remain in accordance with the Colorado Motor Vehicle Laws and any other policies or guidelines established by the Board and as set forth below.

ARTICLE 4. SPEED LIMITS.

7.4.1 MAXIMUM SPEED LIMIT. The maximum speed limit on all roads and streets within the District shall be at 35 miles per hour except as posted otherwise.

7.4.2 BOARD OF DIRECTORS TO MODIFY. The Board shall have authority to establish and modify maximum speed limits on various Pueblo West roads and streets when they determine the modification is necessary to establish a new reasonable and safe maximum speed limit.

7.4.3 POSTING OF SIGNS. Any modifications in the maximum speed limit established by the Board shall be effective upon posting of appropriate signs giving notice thereof to vehicle operators.

TITLE 8 DISTRICT SERVICE OUTSIDE BOUNDARIES

RULES AND REGULATIONS FOR DISTRICT SERVICES
OUTSIDE THE EXISTING BOUNDARIES OF THE DISTRICT.

ARTICLE 1. GENERAL PROVISIONS.

8.1.1 NO SERVICE OUTSIDE BOUNDARIES, EXCEPTIONS. The Board has determined that it is and will be infeasible, impractical and undesirable for the good of the entire District to extend water and sewer service or to furnish both or either of such facilities or services to any area or property owner outside of the existing District boundaries, unless such area or property owner by agreement with the Board has his property included in the boundaries of the District, pursuant to the provisions of C.R.S. 32-1-401 et seq.

8.1.2 PUBLIC HEARING. The District shall not extend District water or sewer service beyond existing boundaries of the District except in cases where the Board, after public hearing, by Resolution determines it is in the best interests of the District to extend water and sewer service outside existing boundaries of the District.

TITLE 9 USE OF DISTRICT PROPERTY

RULES AND REGULATIONS OF PUEBLO WEST METROPOLITAN DISTRICT, PUEBLO WEST, COLORADO

ARTICLE 1. PURPOSE.

9.1.1 AUTHORITY OF DISTRICT. The District has authority to establish parks and recreation facilities and to own other properties and the Board determines it is in the best interests of the health, safety and welfare of the residents of Pueblo West, to establish these Rules and Regulations for the use of District properties, including parks and recreation facilities.

ARTICLE 2. PARKS.

9.2.1 HOURS.

- a. Pueblo West parks will be open for public use between the hours of 6:00 A.M. and 10:30 P.M. daily.
- b. All organized activities within the park area shall be terminated no later than 10:30 o'clock P.M.
- c. Park gates shall be secured by 10:30 o'clock p.m.

9.2.2 ALCOHOLIC BEVERAGES AND DRUGS.

a. No alcoholic beverages shall be carried upon, possessed or consumed within or upon any properties owned by the District, except as in accordance with Title 5 of these Rules and Regulations.

b. No prohibited drugs shall be carried upon, possessed, consumed, used or sold within or upon any properties owned by the District, including but not limited to Pueblo West parks facilities.

9.2.3 UNLICENSED VEHICLES. Unlicensed vehicles (including dirt bikes) shall be prohibited from traveling within the boundaries of all Pueblo West parks.

9.2.4 SPEED LIMITS. The maximum speed limit on all roads and vehicle right-of-ways within Pueblo West parks shall be 5 miles per hour.

9.2.5 GENERAL RESTRICTIONS.

a. All persons using Pueblo West parks shall refrain from creating noise and disturbances which may create a nuisance to adjacent property owners.

b. Littering is strictly prohibited within Pueblo West park areas. Persons using picnic areas are required to clean up area following use of the area and all trash shall be deposited in appropriate containers.

c. Persons using Pueblo West parks, grounds and facilities shall do so in such a manner as to not create a nuisance or harassment of any other parties.

9.2.6 FEES. Fees for use of park facilities are set forth in Appendix B to these Rules and Regulations.

9.2.7 SPECIAL PERMITS. The Board reserves the right to issue special use permits for the use of Pueblo West parks. Said permits shall be issued at the discretion of the Board and may include permission for extended use of the park areas beyond the normal times the parks are open.

9.2.8 PARKS ENFORCEMENT.

a. The District Manager and the Director of Parks and Recreation of the District or any persons designated by them, may enforce these rules and regulations by the requiring of violators to leave the Pueblo West Park areas.

b. The Board of Directors may enforce these Rules and Regulations by:

1. Denying future use of all Pueblo West parks and recreation facilities.
2. Initiating criminal actions against violators in accordance with appropriate State Statutes and County Ordinances.

ARTICLE 3. RECREATION BUILDING, 230 E. GEORGE DRIVE.

9.3.1 RESERVATIONS. The recreation building must be reserved five days prior to any activity. All reservations for the use of the recreation center should be made by contacting the Parks and Recreation Director at 547-7400.

9.3.2 DAMAGE DEPOSIT. A cash damage deposit shall be required to insure the recreation building will be left in an orderly manner and that there is no damage to the buildings or furniture. All deposits shall be made to the District and will be returned to the depositor after inspection of the building has been made and it has been determined that the building has been left in a clean and orderly manner. The amount of the deposit is listed in Appendix B. As of May 2, 2013 all reservations for the Memorial Recreation Building will be issued a Fob key so that they can open the building at the hours as stated on the reservation form. The Fob key must be returned to the parks office the following Monday. If a key is not turned in or if it is lost, \$25.00 will be forfeited from the cash damage deposit.

On placing the deposit on file, the responsible party shall be required to sign an "Agreement of the User to Hold Harmless" form. This person shall also be responsible for occupying the building until the custodian arrives to lock the building.

9.3.3 NOTICE OF CANCELLATION. Notice of cancellation of reservation is required at least 48 hours in advance of reserved date and time. If less than 48 hours notice of cancellation of reservation is given, the District shall retain the damage deposit. Any violation of local, county, district, state or federal laws and/or ordinances or rules and regulations shall result in forfeiture of the right to future use of the building by violators. Person(s) signing the Agreement of the User to Hold Harmless form shall be designated as the responsible party and is required to contact the District dispatcher at once should any problem occur with the building or should the activity extend beyond or end before the reserved time.

9.3.4 DISTRICT SPONSORED ACTIVITIES. Activities sponsored by the District shall not be subject to fees for use of the recreation building.

9.3.5 CREDIT FOR FEES. Pueblo West organizations including, but not limited to Senior Citizens, Boy Scouts, Girl Scouts, Cub Scouts, and other youth groups may apply for work projects to receive credit for payment of rental fees. These work projects may include policing park areas or roadways or assisting in maintenance of the park grounds.

9.3.6 FEES. Fees for use of the recreation building at 230 E. George Drive are as set forth in Appendix B to these Rules and Regulations

TITLE 10 WATER RIGHTS

11/12/85 APPROVED RESOLUTION NO. 684

RULES AND REGULATIONS CONCERNING WATER RIGHTS TO, AND USE OF WATER FROM THE DAKOTA AQUIFER, IMPOSING AN ADDITIONAL REQUIREMENT FOR WATER SERVICE, AND REGULATING THE DRILLING OF WELLS INTO SAID AQUIFER.

ARTICLE 1. PURPOSE.

10.1.1 NECESSITY. The District deems it necessary in the pursuance of its statutory obligations to provide for a District water system for the needs, health, safety, comfort, welfare, and benefit of its inhabitants, and to provide a sufficient

supply of water for the said purposes as well as to allow future economic growth of the District and provide a sufficient supply of water for fire-fighting purposes, to use water from the underground aquifer known as the “Dakota Aquifer”, a distinct and recognized geologic formation which hereinafter is referred to as the “Aquifer”

10.1.2 STATUTORY LIMITATION. Colorado Revised Statute 37-90-137(4) places a limit upon the amount of water which may be pumped by the District from the well and said aquifer in terms of the quantity of water underlying land owned either by the District or by persons who have consented to withdrawal of ground water pursuant to said statute.

10.1.3 DRILLING PROHIBITION. To avoid interference with the water supply to or water rights of wells which the District has constructed or intends to construct in said aquifer, which interference would be detrimental to the health, safety and welfare of the citizens of the District, the District deems it necessary to prohibit the drilling of wells into said Aquifer within the boundaries of the District except as provided in this Title 10 of the District Rules and Regulations.

ARTICLE 2. APPROPRIATION OF GROUNDWATER.

10.2.1 APPROPRIATION. The District hereby claims and appropriates and incorporates into its Plan of Service, for the purpose of providing water service to its inhabitants and customers of its water system, all right, title and interest in and to groundwater and water rights in the Dakota Aquifer underlying all lands within the boundaries of the District, as those boundaries existed on January 1, 1985.

10.2.2 LIMITATIONS. This Title 10 does not apply to the following lands or groundwater in the said Aquifer:

- a. Lands outside the boundaries of the District as of January 1, 1985.

- b. Any land or groundwater as to which the groundwater has been conveyed or reserved or consent to use such groundwater has been given or reserved to anyone other than the District, by a writing executed prior to January 1, 1985, and recorded in the records of Pueblo County prior to August 31, 1985.
- c. Any groundwater which has been decreed or permitted to anyone other than the District prior to the effective date hereof.
- d. Any lands not being served by the District as of the effective date hereof, and the groundwater underlying such land is the subject of an application for determination of a right to use groundwater filed in the Water Court prior to July 1, 1985.

ARTICLE 3. ESTABLISHMENT OF A PLAN FOR ALTERNATE WATER SUPPLY FOR OWNERS.

10.3.1 PLAN. As to any lands within the District's boundaries as of January 1, 1985, for which water service from the District is not reasonably available, the following plan is established to allow the owner thereof to obtain an alternative water supply:

- a. The owner of such land shall have requested water service from the District, and complied with all Rules and Regulations of the District, but the District shall have reasonably determined that it is unable to provide water service to such lands;
- b. Upon making such determination, the District shall be deemed to have consented to withdrawal of groundwater in said aquifer by such landowner;
- c. All wells, pipes and other water facilities on such lands shall conform to the District's design standards and rules and regulations, and shall be subject to

approval by the District's engineers, which approval shall not be unreasonably withheld;

d. At such time as the District is reasonably able to provide water service to such lands, it may require connection of all water facilities on such lands to the District's water facilities.

ARTICLE 4. Conveyance of water rights

10.4.1 Any person who applies for water service from the District's water system or for inclusion into the District shall, as part of the application and as part of the consideration thereof, tender to the District a properly executed deed conveying to the District the water and water rights in said aquifer, underlying the lands to which service is requested or subject to such inclusion petition, and warranting that such water, groundwater underlying such lands have not been conveyed to other persons. (See Appendix D.)

11/12/85 APPROVED RESOLUTION NO. 684

ARTICLE 5. Restriction of well construction

10.5.1 No person may construct a well in the said aquifer upon lands subject to this Title 10, or withdraw groundwater subject to the Rules and Regulations, except in conformity with Article 3 thereof.

ARTICLE 6. Miscellaneous

10.6.1 **MAP.** Upon final adoption hereof, the District Manager shall file with the State Engineer a detailed map of the land area as to which consent is deemed to have been given hereunder.

10.6.2 **SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Rule and Regulation is for any reason held to be unconstitutional or contrary to statute, this shall not affect the validity of the remainder of this Rule and Regulation.

10.6.3 PUBLICATION. This Title 10, substantially in the form which appears herein above, was published once a week for three successive weeks in the Pueblo Chieftain prior to approval hereof, pursuant to resolution of the Board of Directors on August 27, 1985.

TITLE 11 STREETS/ROADS/HIGHWAYS

STREETS, ROADS AND HIGHWAYS

ARTICLE 1. GENERAL PURPOSE.

11.1.1 NECESSITY. The Board of Directors believes that it is necessary to establish and enforce certain controls relating to the access of private property owners to the public streets, roads and highways within the District so as to provide for public safety, proper drainage and to preclude damage to public streets, roads and highways.

ARTICLE 2. ADOPTION BY REFERENCE.

11.2.1 All improvements to streets, roads and highways within the District shall be constructed to the standards set by the County of Pueblo Road and Bridge Department which are hereby adopted by reference.

ARTICLE 3. DRIVEWAYS; CONSTRUCTION AND REPAIR.

11.3.1 DEFINITIONS.

a. Owner shall mean any person in whom the record fee title to property within the District is vested, although subject to lien or encumbrances. The holder of a bona fide contract of purchase to any property within the District shall be considered the owner for purposes hereof.

b. Agent shall mean any person other than the owner in charge of or having control and supervision of the premises. An occupant or tenant of the premises, except hotels, apartments, office buildings, shall for all purposes of this Title be considered an agent.

c. Permit shall mean the written specific authorization required pursuant to this or any other rule, regulation or resolution of the District for driveway access to the streets and road within the District. (See Appendix E-1.)

11.3.2 CONSTRUCTION MANDATORY. The owner of the property on which a building is to be constructed, or his authorized agent, will cause a properly designed driveway access to be installed at time of construction.

11.3.3 CONSTRUCTION PERMIT. A properly executed "Application for Driveway Access and Drainage Way Permit" (See Appendix E-1) must be submitted with the other required building permit documents. Copies of the permit application are available at the District offices.

11.3.4 CONSTRUCTION SPECIFICATIONS.

a. Graveled swaled where street of graveled surface driveways are acceptable but must match the existing water flow line (See Appendix E-1). A minimum depth of six (6) inches of Class VI gravel must be used for driveway access.

b. Where street is paved or chip sealed, a minimum of four (4) inch thickness shall be applied and the material shall be swaled to match the existing water flow line. The driveway shall be constructed so as to extend to and meet existing street pavement.

c. The District Engineer or his/her designee shall determine where a culvert of suitable size, material and construction is required so as to provide for proper drainage and water flow. The culvert shall be installed in the water flow line with its invert matching the existing water flow line invert of drainage ditch. The entire length of the culvert shall be installed on top of Class VI base material which has been compacted to a four (4) inch depth and compacted Class VI base material to a minimum depth of six (6) inches of cover to extend to and meet existing street graveled surface. Where existing street is paved or chip sealed a minimum of four (4) inches in depth of concrete or asphalt cover to extend to and meeting existing street pavement.

11.3.5 OWNER RESPONSIBILITY. The owner (Applicant) shall provide all necessary materials and labor and any necessary traffic control devices during construction. The owner is responsible to maintain the driveway access and any drainage structures in a good state of repair.

11.3.6 INSPECTION POWERS AND AUTHORITY OF DISTRICT AGENTS. The District Engineer and other duly authorized employees of the District, shall inspect the area of the proposed driveway access and specify the requirements (form

inspection, finished work inspection, etc.) which must be met in order to obtain a Building Permit, Certificate of Occupancy, and grant access to the road system.

11.3.7 ALTERATIONS. Alterations to approved driveway access will not be accomplished without prior approval by the District Engineer or his/her designee.

11.3.8 EXISTING DRIVEWAYS. Driveway accesses installed prior to the implementation of this Title shall be required to meet the applicable specifications stated herein not later than two (2) years following the enactment date.

ARTICLE 4. ENFORCEMENT

11.4.1 THE DISTRICT TO REQUIRE CONSTRUCTION OF PROPER DRIVEWAY.

Should the owner, or his authorized agent, fail to construct a proper driveway access as approved by the District or should the owner, or his authorized agent, fail to follow to required inspection procedures, construct a proper driveway access as required by the District at its option may:

- a. Make necessary repairs or complete construction required to the driveway access and assesses the property owner a charge in an amount equal to the entire cost expended by the District (including administrative cost) to bring the driveway access into compliance with the provisions of this Title 11.
- b. Require the owner, or his authorized agent to obtain proper approvals for the driveway access construction and to construct it in accordance with specifications approved by the District by an action in the Colorado District Court for Pueblo County.

11.4.2 LEGAL COSTS. Should it be necessary to enforce the provisions of this Title 11 by action in any court, the owner or his authorized agent shall pay to the District a charge equal to all costs and fees expended by the District to pursue said action or actions, and the District may recover said costs and fees in said action or actions as additional damages.

ARTICLE 5. ACCESS AGREEMENT

11.5.1 Person applying for an access permit to commercial property shall be required to enter into an access agreement between the property owner and the District. Said agreement shall set forth the Owner's obligation to construct the access and road improvements required by the District as determined by the traffic and drainage studies and the Pueblo West Roadway Design and Construction Standards and the Storm Drainage Criteria and Drainage Policies which have been adopted by the District and set forth in this Title 11. The Owner may be required to complete all drainage and roadway improvements at the time of construction of the access to the roadway or, at the District's discretion. He may be required to deposit with the District, in escrow, an amount equal to the estimated cost to complete the improvements. Said improvements shall be set forth in the said access agreement. The owner shall be required to secure the performance of his obligation by depositing with the District adequate security in form and content acceptable to the District. The access agreement shall be in the substantial form as set forth in sample access agreement attached to these Rules and Regulations as Appendix G. The owner shall comply with all obligations of the owner as set forth in the said access agreement as approved by the District. The access agreement between the District and the property owner may be modified from the sample form if the District determines it is necessary to make additional requirements of the Owner in order to fulfill the District's Obligation and the general purpose of this Title 11.

TITLE 12 PRIOR NOTICE REQUIREMENTS

PRIOR NOTICE REQUIREMENT

Rules and Regulations concerning requirements for prior notice to the District for District to be liable for damages or injuries due to defective or unsafe highways, bridges of culverts;

ARTICLE 1. GENERAL PURPOSE.

12.1.1 The general purpose of this Title is to require that the District be put on Notice prior to the maintenance of any civil action against the District for damages or injuries to person or property by reason of defective, unsafe, dangerous or obstructed highways, bridges or culverts and a failure or neglect within a reasonable time, on dangerous or obstructed highway, bridge or culvert.

ARTICLE 2. LIMITATION OF MAINTENANCE OF CIVIL ACTIONS.

12.2.1

a. No civil action shall be maintained against the District for damages or injuries to persons or property sustained by reason of any highway, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed unless;

1. Written Notice of such defective, unsafe, dangerous or obstructed condition was received by the Manager of the District or by the Superintendent of Public Works; and

2. That it was a failure or neglect within a reasonable time after receipt of such Notice to repair or remove the defects, danger or obstruction complained of in such Notice.

b. No civil action shall be maintained against the District for damages or injuries to persons or property sustained solely and consequence of the existence of snow or ice upon any highway, bridge or culvert unless;

1. Written Notice thereof specifying the particular place was actually received by the Manager of the District or by the Superintendent of Public Works of the District; and

2. There was a failure or neglect by the District to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such Notice.

12.2.2 TRANSMITTAL OF NOTICE. The Superintendent of Public Works shall transmit in writing to the District Manager or acting District Manager within 48 hours after the receipt thereof all written Notices received by said Superintendent of Public Works pursuant to paragraph 12.2.1 of this Title 12.

12.2.3 RETENTION OF RECORDS. The District Manager of the District shall keep in an indexed record, in a separate file all written Notices which the District Manager receives pursuant to this Title 12 of the existence of a

defective, unsafe, dangerous or obstructed condition in or upon any highway, bridge or culvert within the District, which record shall state the date of receipt of the Notice, the nature and location of the conditions stated to exist and the name and address of the person from whom the Notice is received. The record of each Notice shall be preserved for a period of five years after the date it is received.

ARTICLE 3. EFFECTIVE DATE.

This Title 12 shall be effective immediately upon passage of a Resolution approving and adopting this Title 12 as part of the Rules and Regulations of the Pueblo West Metropolitan District by the District Board of Directors.

TITLE 13 NEWLY CONSTRUCTED FACILITIES

RULES AND REGULATIONS REGARDING DISTRICT'S ASSUMPTION OF RESPONSIBILITY FOR NEWLY CONSTRUCTED FACILITIES IN UNDEVELOPED AREAS OF THE DISTRICT

ARTICLE 1. GENERAL PURPOSE.

13.1.1 The general purpose of this Title is to set forth the rules and regulations concerning the development of facilities within areas of the District not presently served by certain District services in order for the District to assume responsibility and deliver certain services to those areas including but not limited to water service and road maintenance and improvement service.

ARTICLE 2. DEFINITIONS.

13.2.1 UNDEVELOPED AREAS. Undeveloped areas shall be defined as those areas within the District presently or included within the District and any future inclusions which have not been subdivided pursuant to the rules and regulations of Pueblo County for subdivisions nor which are served by the installation of water service lines or District maintained roads.

ARTICLE 3. MAIN WATERLINE EXTENSION REQUIREMENTS.

13.3.1 SPECIFICATIONS. The District has established minimum specifications for construction of water main extensions. All water mains constructed by the developer of undeveloped areas within the District shall meet the District's specifications and during construction shall be subject to inspection by District personnel before the District shall grant approval for hookup of said water main extensions to the District's water system.

13.3.2 WATER MAIN EXTENSION APPLICATION. A developer or constructor desiring the District to provide water service to any undeveloped areas must submit to the District a preliminary map of the area to be developed, a work plan for all water facilities to be constructed and a cost estimate for such water facilities including an inflation factor. If appropriate, all such plans for said extension shall be submitted to the District's Engineer for comment and

recommendations prior to the Board acting to approve, approve with conditions or disapprove the submitted applications.

13.3.3 TELEMETRY. Developer shall install to the District's specifications, all telemetry and other monitoring equipment required by the District.

13.3.4 STORAGE AND PRESSURE REQUIREMENTS. Developer shall install, to the District's specifications, all storage or other equipment or facilities required by the District to maintain adequate pressure within the expanded system.

13.3.5 PROCESSING OF WATER MAIN EXTENSIONS WITH THE STATE OF COLORADO, COUNTY OR OTHER LOCAL ENTITY. The District assumes no responsibility for the processing of applications or the decision not to process an application for main extensions before the Colorado Department of Health, Pueblo County or any other agency. The decision to process or not to process such an application rests solely with the developer or constructor of the mainline and the District assumes no responsibility or liability for that decision. However, the District shall not grant its approval for the hookup of said extensions to the District's water system without the approval for the development of the area by Pueblo County and approval of the facilities by the appropriate agencies of the State of Colorado.

13.3.6 PLAN REQUIREMENT. Prior to final approval of the hookup of any mainline extension to the District's water system the developer or constructor shall deliver to the District detailed "as built" plans meeting all requirements set forth by the District for said plans.

13.3.7 LOCATION OF MAIN EXTENSIONS. Water or service mains shall be installed in roads or streets which the District, the County, the State Highway Department or other public agency has accepted for maintenance as a public right-of-way as well as any easements granted for the use of the District. All lateral lines and service line stub outs shall be installed to the property line at the time of construction of the main. All such main lines, laterals and stub outs shall be constructed prior to construction of the road surface if said lines, laterals or stub outs are in road rights-of-ways.

13.3.8 DISTRICT NOT RESPONSIBLE FOR COSTS OF CONSTRUCTION. The District shall not be responsible for nor, without specific authorization of the Board of Directors, shall it pay for construction of any water mains, laterals, stub outs or any other water distribution facilities within undeveloped areas of the District. Prior to hookup to District facilities or distribution of water through the water distribution system constructed by developers in undeveloped areas the developer shall present satisfactory evidence to the District that all costs of construction of the water distribution system, inset in developed area, has been paid or provisions have been made for payment and that under no circumstances will the District have any financial responsibility or acquire any financial responsibility for payment of the cost of constructing said water distribution system in undeveloped areas.

ARTICLE 4. OWNERSHIP OF NEWLY CONSTRUCTED WATERLINES

13.4.1 Before any connection is made to water mains in an undeveloped area with the District's water distribution system, the developer or owner of the newly constructed lines in the undeveloped area shall transfer title to said lines and all other appurtenant facilities to the District in such manner as is approved by the District.

13.4.2 LIABILITY FOR REPAIRS. The developer of the water distribution system shall be responsible for and shall pay all costs of repairs to the system installed by the developer during the first two years of operation.

13.4.3 BOND. The developer shall deliver to the District a Bond in an amount satisfactory to the District to cover the costs of any repairs to the system installed by the developer within the first two years of operation.

13.4.3(1) The amount of said Bond to be set by the District shall in no way limit the developer's responsibility and liability for costs of repairs to the system installed by the developer within the first two years of operation.

ARTICLE 5. ROAD MAINTENANCE.

13.5.1 AGREEMENT FOR MAINTENANCE REQUIRED. The District shall not, without specific authorization of the Board of Directors, agree to nor shall the District actually maintain in any fashion any roads within any undeveloped areas of the District. The consent of the board of Directors and agreement for maintenance of any such roads shall be based upon criteria set forth in this Article.

13.5.2 SPECIFICATIONS. The District has established minimum specification for establishment of road rights-of-way and construction of roadways within the District. All road rights-of-ways and roadways constructed by the developer of undeveloped areas within the District shall meet the District's specifications and during construction shall be subject to inspection by District personnel before the District shall grant approval and consent for maintenance of said roadways by the District.

13.5.3 APPLICATION FOR ROAD MAINTENANCE SERVICE. A developer or constructor desiring the District to provide road maintenance service to any roads developed by said developer in any undeveloped areas of the District, must submit to the District a preliminary map of the area to be developed, a work plan for all road rights-of-way and roadways to be constructed and a cost estimate for such rights-of-way and roadways including an inflation factor. If appropriate, all such plans for said rights-of-way and roadways shall be submitted to the District's Engineer for comment and recommendations prior to the Board acting to approve, approve with conditions or disapprove the submitted applications.

13.5.4 DISTRICT OWNERSHIP OF ROAD RIGHT-OF-WAYS. Prior to the District agreeing or consenting to providing road maintenance service to roadways constructed in the undeveloped areas of the District developer shall transfer the ownership of said road rights-of-way and roadways to the District in such manner as is approved by the District.

13.5.5 LIABILITY FOR REPAIRS. The developer or constructor of the roadways within any undeveloped areas shall be responsible for and shall pay all costs of

repairs to the roadways installed by the developer or constructor during the first two years of use.

13.5.6 BOND. The developer shall deliver to the District a Bond in an amount satisfactory to the District to cover the costs of any repairs to the roadways constructed by the developer within the first two years of use of said roadways.

13.5.6(1) The amount of said Bond to be set by the District shall in no way limit the developer's responsibility and liability for costs of repairs to the roadways by the developer within the first two years of use

TITLE 14 OWNERSHIP OF WATER

OWNERSHIP OF WATER

Rules and Regulations concerning the ownership of all water supplied through District facilities, including return flow.

ARTICLE 1. GENERAL PURPOSE.

14.1.1 The general purpose of this title is to set forth the policy that all water supplied through the District facilities is owned by and is the property of the

District. All return flow from use of such water remains the property of the District and is subject to the District's dominion and control.

ARTICLE 2. WATER AND SEWER SERVICE POLICY-RETURN FLOWS, EXCHANGE, RE-USE AND AUGMENTATION PLANS.

14.2.1 The District shall have dominion and control of all water supplied through its system, subject to reasonable use thereof by its customers in compliance with applicable water service agreements, inclusion agreements and these Rules and Regulations. Such dominion and control shall continue without interruption as to all waste water, return flows, run-off, sewage or tail water attributed to or originating in water supplied through District facilities. The District shall have the exclusive right to recapture such return flows, or claim credit therefrom for exchange, replacement, re-use augmentation, substitute, supply or any other lawful purpose, and the District's dominion and control over water shall continue to attach to all such return flows, even after they return to the ground. All of the return flows supplied through District facilities remain the property of the District. The District retains the sole authority to determine the yield of all water rights and augmentation plans which are offered to the District for any purpose.

ARTICLE 3. DEDICATION OF WATER RIGHTS.

14.3.1 All dedications of water and water rights shall be free and clear of any encumbrances, reservations or restrictions. No claim or reservation shall be made by any owner of property to be included into the District or by any applicant for water service for any reason for any portion of such water rights or return flows for or from any water rights or augmentation plans conveyed to the District. All rights to return flow from all water furnished by the District for use by its customers shall belong to the District and shall be deemed to be continuously owned by and subject to the dominion and control of the District.

ARTICLE 4. LIMITATIONS ON USE.

14.4.1 All water furnished by the District is on leasehold basis only for the uses on the property designated in the tap permits, development plan and other applicable documents. If any use of the property is changed from that contemplated at the time of issuance of the tap permit, a new tap permit shall be applied for and water will not be furnished for such new uses until such application is approved. Such right does not include the right to use water outside the designated lands, nor to re-use or otherwise dispose of the water. The water must be applied to beneficial use by the customer. Notwithstanding the use by the customer, the water is at all times the property and subject to the dominion and control of the District and all return flows remain the property of the District.

TITLE 15 STORM WATER RUNOFF CONTROL

(Approved by Resolution 1835, May 12, 2009)

ARTICLE 1. GENERAL PROVISIONS

15.1.1 PURPOSE. This Title establishes minimum storm water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the District by regulating storm water runoff discharges from land development projects and other construction activities. These rules and regulations will serve to control and minimize increases in runoff rates and volumes, soil erosion, stream channel erosion and non point source pollution associate with storm water runoff.

15.1.2 APPLICABILITY. This Title shall be applicable to all subdivision or site plan applications, including redevelopment projects unless eligible for and exemption or granted a waiver by the District granted under the specifications of this Title. The Title also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules.

These standards apply to any construction activity disturbing 1 acre or more of land. The following activities may be exempt from these storm water performance criteria:

- a. Any agricultural activity, which is consistent with an approved soil conservation plan, prepared or approved by the District, as applicable.
- b. Additions or modifications to existing single family structures.

- c. Developments and redevelopments that do not disturb more than 1 acre or more of land, provided they are not part of a larger common development plan; and the amount of impervious cover changed or created does not exceed 6000 sq. ft.
- d. Repairs to any storm water treatment practice deemed necessary by the District.

When a site development plan is submitted that qualifies as a redevelopment project as defined in Article 2 of this Title, decision on permitting and on-site storm water requirements may be governed by special storm water sizing criteria. This criteria is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the Engineering Department of the District.

15.1.3 COMPATIBILITY WITH OTHER PERMIT AND TITLE REQUIREMENTS. This title is not intended to interfere with, abrogate, or annul any other Title, rule, or regulation statute, or other provision of law. The requirements of this Title should be considered minimum requirements, and where any provision of the Title imposes restrictions different from those imposed by any other Title, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

15.1.4 SEVERABILITY. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Title shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph subdivision or clause of the Title.

15.1.5 DISTRICT STORM WATER DESIGN MANUAL. The District shall adopt and furnish additional policy, criteria and information including specification and standards, for the proper implementation of the requirements of this Title in the form of a Storm Water Drainage Design Criteria and Policy Manual. The manual may be updated and expanded from time to time, at the discretion of the local review authority, based on improvements in engineering, science, monitoring and local maintenance experience. Storm water treatment practices that are designed and constructed in accordance with the current adopted manual will be presumed to meet the minimum water quality performance standards.

ARTICLE 2. DEFINITIONS.

15.2.1 ACCELERATED EROSION. Soil erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind or chemical action.

15.2.2 APPLICANT. A property owner or agent of property owner who has filed an application for a storm water management permit.

15.2.3 BUILDING. Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

15.2.4 DEDICATION. The deliberate appropriation of property by its owner for general public use.

15.2.5 DETENTION. The temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

15.2.6 DETENTION FACILITY. A detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

15.2.7 DRAINAGE EASEMENT. A legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.

15.2.8 EROSION AND SEDIMENT CONTROL PLAN. A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

15.2.9 IMPERVIOUS COVER. Those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways etc.)

15.2.10 INFILTRATION. The process of percolating storm water into the subsoil.

15.2.11 INFILTRATION FACILITY. Any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

15.2.12 JURISDICTIONAL WETLAND. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

15.2.13 LAND DISTURBANCE ACTIVITY. Any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involved the diversion or piping of any natural or man-made watercourse.

15.2.14 LAND OWNER. The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights to the land.

15.2.15 MAINTENANCE AGREEMENT. A legally recorded document that acts as a property deed restriction, and which provided for long-term maintenance of storm water management practices and facilities.

15.2.16 NONPOINT SOURCE POLLUTION. Pollution from any source, other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

15.2.17 REDEVELOPMENT. Any construction, alteration or improvement in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.

15.2.18 STOP WORK ORDER. An order issued which requires that all construction activity on site be stopped.

15.2.19 STORM WATER MANAGEMENT. The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

15.2.20 STORM WATER RUNOFF. Flow on the surface of the ground, resulting from precipitation.

ARTICLE 3. PROCEDURES AND REQUIREMENTS.

15.3.1 APPLICABILITY. No land owner or land operator shall receive building, grading or other land development permits or approvals required for land disturbance activities without first meeting the requirements of this Title prior to commencing the proposed activity.

15.3.2 APPLICATION REQUIREMENTS. Unless specifically excluded by this Title, any land owner or operator intending to conduct a land disturbance activity shall submit to the District a proposed erosion and sediment control plan and storm water management plan. Approval of the plans must be given by the District prior to the initiation of any work activity including construction of access roads, driveways, tree and shrub removal or grading. Any unauthorized work shall be considered a violation of this Title regardless of later actions taken toward compliance, and applicable fines and other penalties may be assessed.

15.3.3 REVOCATION.

a. Permission to proceed with land development shall terminate automatically if construction has not commenced within one year of the date of approval by the District. The applicant may request a one year extension if there are valid reasons to support such and extension.

b. Authorization by the District under this Title may be revoked or suspended, after notice and an opportunity for hearing, for violation of a condition of the permit, if the permit was obtained by misrepresentation or failure to fully disclose relevant facts, or if there is a change in a condition that requires a temporary or permanent change in the activity.

ARTICLE 4. GENERAL STANDARDS FOR APPROVAL OF PLANS.

15.4.1 The District shall approve or disapprove erosion and sediment control plans, storm water management plan, and permit applications in accordance with District adopted guidelines, polices and design manuals.

15.4.2 All construction activities subject to review under this Title shall be designed, constructed, and maintained to provide for the detention of flood waters and to protect water quality.

15.4.3 Measures required for soil erosion and storm water runoff control shall take into consideration natural features, proximity of the site to lake, streams and jurisdictional wetlands, extent of impervious surfaces, potential for soil erosion and flooding, and the size of the site.

15.4.4 Storm water conveyance, storage and infiltration facilities shall be designed to provide for non-erosive velocities of storm water run off.

15.4.5 Alterations to natural drainage patterns shall not create downstream flooding or sedimentation.

15.4.6 Storm water discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.

ARTICLE 5. CONSTRUCTION INSPECTION.

15.5.1 NOTICE OF CONSTRUCTION COMMENCEMENT. The applicant must notify the District in advance before the commencement of construction. Regular inspections of the storm water management system construction shall be conducted by the staff of the District or their designee. If any violations are found, the property owner or operator shall be notified in writing of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by the District.

ARTICLE 6. MAINTENANCE, INSPECTION, AND REPAIR OF STORM WATER FACILITIES.

15.6.1 MAINTENANCE EASEMENT. Prior to the approval of an erosion control and sediment plan or storm water management plan, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding

on all subsequent owner of land served by the storm water management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the District or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standard and any other provisions established by this Title.

15.6.2 MAINTENANCE COVENANTS. Maintenance of all storm water management facilities shall be ensured through the creation of a formal maintenance agreement that must be approved by the District and recorded into the land record prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

15.6.3 REQUIREMENTS FOR MAINTENANCE COVENANTS. All storm water management facilities must undergo, at the minimum an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this Title and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the District, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water management facility.

15.6.4 INSPECTION OF STORM WATER FACILITIES. Inspection programs may be established on any reasonable basis, including but not limited to: routine inspection; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or are as indentified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges or contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violation of state or federal water or sediment quality standards or the national Pollutant Discharge Elimination Systems (NPDES) storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other storm water treatment practices.

15.6.5 RIGHT-OF-ENTRY FOR INSPECTIONS. Where drainage control facilities are installed on private property, or connections exist between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the District the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Title is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this Title.

15.6.6 RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES. Parties responsible for the operation and maintenance of storm water management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least seven (7) years. These records shall be made available to the District during inspections of the facility and at other reasonable times upon request.

15.6.7 FAILURE TO MAINTAIN PRACTICES. If a responsible party fails or refused to meet the requirements of the maintenance covenant, the District, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the District shall notify the party responsible for maintenance of the storm water management facility in writing. Upon receipt of that notice, the responsible person shall have twenty one (21) days to effect maintenance and repair of facility in an approved manner. After proper notice, the District may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property.

ARTICLE 7. ENFORCEMENT AND PENALTIES.

15.7.1 VIOLATIONS. Any development activity that is commenced or is conducted contrary to this Title may be restrained by injunction or otherwise abated in a manner provided by law.

15.7.2 NOTICE OF VIOLATION. When the District determines that an activity is not being carried out in accordance with the requirements of this Title, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

- a. the name and address of the owner or applicant;
- b. the address when available or a description of the building, structure or land upon which the violation is occurring;
- c. a statement specifying the nature of the violation;
- d. a description of the remedial measures necessary to bring the development activity into compliance with this Title and a time schedule for the completion of such remedial action;

- e. a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed:
- f. a statement that the determination of violation maybe appealed to the municipality by filing a written notice of appeal with fifteen (15) days of service of notice of violation.

15.7.3 STOP WORK ORDERS. Persons receiving a notice of violation will be required to halt all construction activities. This “stop work order” will be in effect until the District confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Title.

15.7.4 DISTRICT REMEDIES AND PENALTIES. Any person who violates the provisions of this Title shall be penalized in an amount not less than Five Hundred (\$500.00) dollars to be determined by the District. The District may enforce the provision of this Title by requesting injunctive relief from the District Court of the County of Pueblo, State of Colorado.

15.7.5 NOTICE OF VIOLATION. Whenever the District finds that a person has violated a prohibition or failed to meet a requirement of this Title, the (authorized enforcement agency) may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;

- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- e. Payment of a fine to cover administrative and remediation costs; and
- f. The implementation of source control or treatment BMPs.

15.7.6 RESTORATION OF LANDS. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice. The District may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

15.7.7 CESSATION OF WATER AND SEWER. Water and sewer service may be discontinued to the owner or operator of property in violation of these Titles until corrections to all storm water practices have been made and accepted by the District.

ARTICLE 8. EFFECTIVE DATE

15.8.1 This Title 15 shall be effective immediately upon passage of a Resolution approving and adopting this Title 15 as part of the Rules and Regulations of the Pueblo West Metropolitan District by the District Board of Directors.

(Approved by Board of Directors by Resolution 1835, May 12, 2009)

TITLE 16 STORM WATER POLLUTION PREVENTION

(Approved by Resolution 1835, May 12, 2009)

ARTICLE 1. GENERAL PROVISIONS

16.1.1 PURPOSE. The purpose of this Title is to provide for the health, safety and general welfare of the citizens of the District, and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. It is intended to reduce pollutants in storm water discharges to the maximum extent practical and prohibit non-storm water discharges to the storm drain system as required by federal and state law.

ARTICLE 2. DEFINITIONS.

16.2.1 BEST MANAGEMENT PRACTICES (BMPS). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

16.2.2 CONSTRUCTION ACTIVITY. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such Activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

16.2.3 DECHLORINATED. Less than 1 ppm chlorine.

16.2.4 HAZARDOUS MATERIALS. Any material, including any substance, waste or combination thereof, which because of its quantity, concentration, or physical chemical, or infectious characteristics may cause, or significantly contribute to, a

substantial present or potential hazard to human health, safety, property, or the environment when improperly treated stored, transported, disposed of, or otherwise managed.

16.2.5 ILLEGAL DISCHARGE. Any direct or indirect release of any substance, other than storm water drainage runoff and naturally occurring groundwater, to the storm drain system, except as exempted in Section 16.4.1 A of this Title.

16.2.6 ILLICIT CONNECTIONS. An illicit connections is defined as any of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved, or any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps or equivalent record and approved by the District.

16.2.7 INDUSTRIAL ACTIVITY. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

16.2.8 NATIONAL POLLUTANT DISCHARGE ELIMINATIONS SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT. A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342 (b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

16.2.9 NON-STORM WATER DISCHARGE. Any discharge to the storm drain system that is not composed entirely of storm water.

16.2.10 PERSON. Any individual, association, organization, partnership, firm, corporation or there entity recognized by law and acting as either the owner or as the owner's agent.

16.2.11 POLLUTANT. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil, antifreeze and other automotive fluids; non hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables' pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals other than those naturally occurring in storm water and local ground water; animal wastes; carpet cleaning discharges; power wash discharges; grease; wastes and residues that result from constructing of building or structure; and noxious or offensive matter of any kind.

16.2.12 RELEASE. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into ground-water, subsurface soils, storm drainage system, waters of the State or water of the United States.

16.2.13 STORM DRAIN SYSTEM. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, pipes storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

16.2.14 STORM WATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

16.2.15 STORM WATER POLLUTION PREVENTION PLAN. A document which describes the Best Management Practices and activities to be implemented by a

person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, Storm water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

16.2.16 WASTEWATER. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

ARTICLE 3. APPLICABILITY.

16.3.1 APPLICABILITY. No person shall discharge or cause to be discharged into the storm drain system or watercourses any material, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance or any illegal discharge to the storm drain system is prohibited except as described as follows:

- a. The following discharges are exempt from discharge prohibitions established by this Title: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, individual residential washing of vehicles, natural riparian habitat or wet-land flows, dechlorinated swimming pools, fire fighting activities, and any other water source not containing Pollutants.
- b. Discharges specified in writing by the Board a being necessary to protect public health and safety.
- c. Dye testing to identify illicit discharges and assure compliance with this Title and the District's MPDES permits. Such testing shall be preceded by a verbal notification to the District Manager prior to the time of the test.

16.3.2 The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

16.3.3 PROHIBITION OF ILLICIT CONNECTIONS. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

- a. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- b. A person is considered to be in violation of this Title if the person connects or uses a line conveying sewage to the storm drain system, or allows such a connection to continue.

ARTICLE 4. SUSPENSION OF ACCESS.

16.4.1 EMERGENCY SITUATIONS. The District may, without prior notice, suspend storm drain system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drain system or Water of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the drain system or Water of the United States, or to minimize danger to persons.

16.4.2 DETECTION OF ILLICIT DISCHARGE. Any person discharging to the storm drain system in violation of this Title may have their storm drain system access terminated if such termination would abate or reduce an illicit discharge. The

authorized enforcement agency will notify a violator of the proposed termination of its storm drain system access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person violates this Title if the person reinstates storm drain system access to premises terminated pursuant to this Title and Article without the prior approval of the District.

ARTICLE 5. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

16.5.1 APPLICABILITY. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to District prior to the allowing of discharges to the storm drain system.

ARTICLE 6. MONITORING OF DISCHARGES.

16.6.1 APPLICABILITY.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

16.6.2 ACCESS TO FACILITIES.

a. The District shall be permitted to enter and inspect facilities subject to regulation under this Title as often as may be necessary to determine compliance with this Title. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the District.

b. Facility operators shall allow the District ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge

storm water, and the performance of any additional duties as defined by state and federal law.

c. The District shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the District to conduct monitoring and/or sampling of the facility's storm water discharge.

d. The District has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and /or samples shall be promptly removed by the operator at the written or oral request of the District and shall not be replaced. The costs of clearing such access shall be borne by the operator.

f. Unreasonable delays in allowing the District access to a permitted facility is a violation of a storm water discharge permit and of the Title. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits a violation if the person denies the District or its representative's reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Title.

g. If the District has been refused access to any part of the premises from which storm water is discharges, and the District is able to demonstrate probable cause to believe that there may be a violation of this Title, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare or the community, then the District may seek issuance of a search warrant from any court of competent jurisdiction.

ARTICLE 7. REQUIREMENT TO PREVENT, CONTROL AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

16.7.1 The District will adopt requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U. S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge or prohibited material or other wastes into the municipal storm drain system or watercourses through the use of these structural and non structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of the valid NPDES permit, authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SPP) as necessary for compliance with requirements of NPDES permit.

ARTICLE 8. WATERCOURSE PROTECTION

16.8.1 Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structure within or adjacent to a water course, so that such structures will

not become a hazard to the use, function, or physical integrity of the watercourse.

ARTICLE 9. NOTIFICATION OF SPILLS.

16.9.1 Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of material which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U. S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the District within three business days or the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and actions taken to prevent its recurrence. Such records shall be retained for at least three years.

ARTICLE 10. ENFORCEMENT

16.10.1 NOTICE OF VIOLATION. Whenever the District finds that a person has violated a prohibition or failed to meet a requirement of this Title, the District may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit connection or discharges;

- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- e. Payment of a fee to cover administrative and remediation costs; and
- f. The implementation of source control or treatment BMPs.

16.10.2 NOTICE DEADLINE. If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediate or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

16.10.3 APPEAL OF NOTICE OF VIOLATION. Any person receiving a Notice of Violation may appeal the determination of the District. The notice of appeal must be received within seven (7) days from the date of the Notice of Violation. Hearing on the appeal before the District or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the District or their designee shall be final.

16.10.4 ENFORCEMENT MEASURES AFTER APPEAL. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within fifteen (15) days of the decision of the District, then representatives of the District shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the isolation and/or restore the property. It shall be a violation of this Title for any person, owner, agent or person in possession of any premises to refuse to allow the

District or designated contractor to enter upon the premises for the purposed set forth above.

16.10.5 COST OF ABATEMENT OF THE VIOLATION. Within fifteen (15) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within fifteen (15) days. If the amount due is not paid within a timely manner as determined by the decision of the District or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

16.10.6 INJUNCTIVE RELIEF. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Title. If a person has violated or continues to violate the provisions of this Title, the District may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

16.10.7 COMPENSATORY ACTION. In lieu of enforcement proceedings, penalties, and remedies authorized by this Title, the District may impose upon violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

16.10.8 VIOLATIONS DEEMED A PUBLIC NUISANCE. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Title is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

16.10.9 COSTS AND PENALTIES.

a. Any person violating any of the provisions of this article shall become liable to the District by reason of such violation for all fees and costs and expenses incurred by the District including court costs and attorney fees for penalties as set forth herein. The liability shall be paid in not more than 12 equal payments. Interest at the rate of five (5) percent per annum shall be assessed on the balance beginning on the fourteenth (14) day following the discovery of the violation.

b. Any person that has violated or continues to violate this Title shall be liable to pay penalties of up to one thousand (\$1,000) dollars per violation per day, and/or imprisonment for a period of time allowed by State statutes.

c. The District may recover all attorneys' fees, court costs and other expenses associated with enforcement of this Title, including sampling and monitoring expenses.

16.10.10 NOT EXCLUSIVE. The remedies listed in this Title are not exclusive of any other remedies available under any applicable federal, state, or local law and rule or regulation and it is within the discretion of the District to seek cumulative remedies.

ARTICLE 11. EFFECTIVE DATE

16.11.1 This Title 16 shall be effective immediately upon passage of a Resolution approving and adopting this Title 16 as part of the Rules and Regulations of the Pueblo West Metropolitan District by the District Board of Directors.

(Approved by Board of Directors by Resolution 1835, May 12, 2009)

TITLE 17 Marijuana Excise Tax

ARTICLE 1. DEFINITIONS

1.1 “Average Market Rate” will have the same meaning as defined in C.R.S. §39-28.8-101(1), as amended.

1.2 “District” means Pueblo West Metropolitan District, a Colorado special district.

1.3 “Cultivation Facility” means a Retail Marijuana Cultivation Facility as defined in Section 5.12.040(26) of the Pueblo County Code located in the boundaries of the District.

1.4 “Deficiency Notice” means a notice sent from District by certified mail to a Taxpayer notifying the Taxpayer that the Taxpayer is in default of a monthly Excise Tax payment.

1.5 “Designated Agent” means the employee or official of Pueblo West Metropolitan District designated to facilitate the collection of the excise tax.

1.6 “Excise Tax” means the Districtwide excise tax on the first transfer of unprocessed retail marijuana from a licensed retail marijuana cultivation facility to any other facility as described more fully in Resolution No. 15-203.

1.7 “Final Assessment” means the District’s final assessment of the money owed to the District by the Taxpayer and includes the amount unpaid tax owed, interest accrued as of the date the assessment is issued, the cost of an audit, if applicable, and any penalties that may be owed in connection to the nonpayment of the Excise Tax. A Final Assessment shall clearly state that the total amount listed represents a debt owed by the Taxpayer to the District.

1.8 “Response” means a Taxpayer’s response to a Deficiency Notice, sent by certified mail to the Designated Agent, noting (1) the Taxpayer’s reason for nonpayment, (2) the Taxpayer’s reason for disputing the amount assessed, and (3) what the Taxpayer believes is a correct total of the Tax due.

1.9 “Taxpayer” means a Retail Marijuana Cultivation Facility as defined in Section 5.12.040(26) of the Pueblo County Code, as amended.

1.10 “Unprocessed Retail Marijuana” has the same meaning as defined in C.R.S. § 39-28.8-101(15), as amended.

1.11 “Colorado Retail Marijuana Code” means Section 16 of Article XVIII of the Colorado Constitution and Article 43.4 of Title 12 of the Colorado Revised Statutes, as amended and any rules promulgated pursuant thereto.

1.12 “Local Licensing Authority” means the Pueblo County Liquor and Marijuana Licensing Board, as established pursuant to Chapter 5.16 of the Pueblo County Code, as amended.

1.13 “Person” means a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, or officer thereof; except that “Person” does not include any governmental organization.

1.14 “Retail Marijuana” means marijuana that is grown, tested, manufactured, and/or sold pursuant to the provisions of these regulations, the Colorado Retail Marijuana Code and Section 16 of Article XVIII of the Colorado Constitution, as amended.

1.15 “Retail Marijuana Cultivation Facility” means a “Person” authorized by the “Local Licensing Authority”.

1.16 “Retail Marijuana Establishment” means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana product manufacturing facility, storage warehouse, or a retail marijuana testing facility as set forth in Section 16 of Article XVIII of the Colorado Constitution and as may be more fully defined in the Colorado Retail Marijuana Code, as amended.

1.17 “Retail Marijuana Store” means a “Person” authorized by the “Local Licensing Authority”.

ARTICLE 2. INTENT

2.1. The District intends that an excise tax be imposed on the first sale or transfer of recreational marijuana by a retail cultivation facility within the boundaries of the District. The excise tax shall be levied, paid, and collected at a rate of one percent for calendar year 2016; two percent for calendar year 2017; and three percent for calendar year 2018 and beyond on the average market rate, as determined by the Colorado department of revenue pursuant to §39-28.8-101(1), C.R.S., as may be amended, on the first sale or transfer of unprocessed retail marijuana by a retail marijuana cultivation facility to a retail marijuana product manufacturing facility, a retail marijuana store, or another retail marijuana cultivation facility.

ARTICLE 3. COLLECTION AND ADMINISTRATION.

3.1. Designated Agent. The Pueblo West Metropolitan District Director of Finance shall administer the collection of the Excise Tax and shall be the Designated Agent to communicate with Taxpayers on behalf of the District and to facilitate the collection of the Excise Tax. The Designated Agent shall collect monthly payments from all Taxpayers and deposit all revenue generated from those payments into an account held in the District’s name in an eligible PDPA institution. Revenue will be recorded in line item 01-300-4008.

3.2 Collection from Taxpayer. On a monthly basis, the Taxpayer shall calculate and record the total amount of unprocessed retail marijuana, by category and pound at the time when the Taxpayer first sells or transfers unprocessed retail marijuana from the Taxpayer to a retail marijuana product manufacturing facility, a retail marijuana store, or another retail marijuana cultivation facility. The Taxpayer shall determine the amount of Excise Tax it owes the District by applying the Average Market Rate, pursuant to §39-28.8-101(1), C.R.S., as amended, to the total amount of Unprocessed Retail Marijuana the Taxpayer has transferred in the preceding month.

3.3 Remittance. Taxpayer shall ensure the District receives each payment no later than 3:00 p.m. of the 20th day of the month following the month for which the Excise Tax is collected. In the event that the 20th is a weekend or District holiday, payment will be due on the first business day after the 20th. Payment for the Excise Tax must be accompanied by a return form provided by the Designated Agent and prepared by the Taxpayer.

3.4 Event of Non-transfer. In the event that the Taxpayer does not make any transfers, the Taxpayer shall submit a return prepared by the Taxpayer on the form provided by the Designated Agent indicating no Excise Tax is due for the preceding month.

3.5 Remittance Discrepancy. If the Average Market Rate of a specific form of Unprocessed Retail Marijuana is unclear, the Taxpayer shall promptly report the issue to the Designated Agent who may delay payment until the Designated Agent can determine the Average Market Rate.

3.6 Taxpayer to Maintain Records. It shall be the duty of every Taxpayer to keep and preserve suitable records, including returns for the Excise Tax, logs from the statewide tracking system, and returns for any county or state excise taxes on retail marijuana, of all transfers made by the Taxpayer and such other books or accounts as may be required by the Designated Agent in order to determine the amount of the tax for the collection or payment of which the Taxpayer is liable under this Title.

3.7 Audits. The District shall have the right to audit all Taxpayers to ensure compliance with this Title. In the event of an audit, all books, invoices, accounts, returns for any state taxes on retail marijuana, and other records shall be made available and be open at any time during regular business hours for examination by the Designated Agent or the Designated Agent's appointed agent. The District may conduct an audit at any time and for any reason; evidence or allegations of nonpayment or evasion of the Excise Tax is not required. If a Taxpayer has refused to allow an audit under this Title for ten (10) days or more, the Designated Agent may issue a report of the same and seek from the Local Licensing Authority revocation or other sanctions related to the Taxpayer's Retail Marijuana Establishment license.

ARTICLE 4. ENFORCEMENT.

4.1 Failure to Pay Tax. A Taxpayer who fails to submit all or a portion of the monthly payment due to the District, as well as all members, partners, shareholders, or other owners who comprise the Taxpayer, shall be personally liable for the amount of the Excise Tax and interest outstanding. Interest shall be determined pursuant to C.R.S. §39-21-110.5(2), as amended, and shall begin accruing the day after the payment is due.

4.2 Late Fee. Payment of the excise tax shall be made no later than the date set forth in paragraph 3.3. If Taxpayer does not remit payment by the date set forth in paragraph 3.3, a late fee of ten percent (10%) of the unpaid Excise Tax shall be added to the amount due if the Designated Agent determines that a deficient or late payment is due to any reason other than fraudulent intent. If the Designated Agent determines that any part of the late or deficient payment is due to fraud with the intent to evade the Excise Tax, there shall be a penalty of fifty percent (50%) of the unpaid excise tax added to the deficient monthly assessment. The Designated Agent will provide the Taxpayer with notice of the penalty in the

Deficiency Notice or at such later point if the Designated Agent determines that a fraudulent intent penalty applies.

4.3 Deficiency Notice. The Designated Agent shall send a Deficiency Notice to any Taxpayer who has failed to submit a payment by the date specified in Section 3.3. The Taxpayer shall arrange payment to the satisfaction of the Designated Agent or file a Response within ten (10) days of the mailing of the Deficiency Notice.

4.4 Proceedings after Response Filed. Within five (5) days of the Taxpayer filing a timely Response, the Designated Agent shall either (i) issue a Final Assessment consistent with the amount listed in the Response or (ii) notify the Taxpayer that the District will require an audit or additional information from the Taxpayer before issuing a Final Assessment. If the District requests additional information and receives no further communication from the Taxpayer within five (5) days, the Final Assessment shall be calculated and issued pursuant to Section 4.2. If the District requests additional information and receives communication from the Taxpayer within five (5) days, the Designated Agent shall inspect the requested information and issue a Final Assessment.

4.5 Default Proceedings. If a Taxpayer fails to respond as provided in Article 4, the Designated Agent shall issue a notice of default to the Taxpayer and conduct a mandatory audit at the Taxpayer's expense. After determining the amount of taxes owed, the Designated Agent shall issue a Final Assessment consistent with the audit. The Final Assessment may include penalties under Section 4.2, if such penalties were either included in the Deficiency Notice or added as a result of the audit.

4.6 Action on Debt. If the Taxpayer refuses to pay the debt listed in the Final Assessment, the District may file a request with the Local Licensing Authority to revoke Taxpayer's license to conduct business within the District. Additionally, the District may institute an action in court seeking to recover the amount owed to District. The District may also seek to recover reasonable attorney fees and costs. Such actions may be actions in attachment, and writs of attachment may be issued to the sheriff, as the case may be, and in any such proceeding no bond shall be required of the District, nor shall any sheriff require of the District an indemnifying bond for execution of the writ of attachment or writ of execution upon any judgment entered in such proceedings. The District may prosecute appeals in such cases without the necessity of providing a bond. It shall be the duty of the District's General Counsel, when requested by the District's Board of Directors, to commence action under this Section.

4.7 **Refunds.** Refunds of taxes paid under this title shall be at the approval of the Designated Agent. In order to qualify for a refund, the Taxpayer must file an amended excise tax return and request in writing a refund on excess taxes remitted. All refunds will be processed according to the deadlines for all vendor payments.

4.7.1 In lieu of requesting a refund, the Taxpayer may take a credit on the following month's Excise Tax Return. Supporting documentation must be attached.

Adopted 01/12/2016 by Resolution No. 2016-05

Title 18

PUEBLO WEST COMMITTEE OF ARCHITECTURE AMENDED BYLAWS

Amended Bylaws adopted by the Pueblo West Metropolitan District Board of Directors by way of Resolution No. 2016-82.

SECTION 1. AUTHORITY

1.1 Pueblo West Metropolitan District ("District") is a governmental subdivision of the State of Colorado and a body corporate with those powers of a public or quasi municipal corporation specifically authorized by, and in compliance with, Section 32-1-101, et seq., C.R.S. The District was created on September 16, 1969, by court order and is located in the County of Pueblo.

1.2 Lawyers Title of Pueblo, Inc., as the original Declarant, pursuant to its purpose of creating uniform restrictions on the use and improvements of certain tracts of land in Pueblo County, known as Pueblo West, for the benefit of all lots and owners and purchasers of all lots, made each and every conveyance of the lots within the Tracts subject to certain covenants, conditions and restrictions called the Declaration of Reservations.

1.3 On August 11, 1969, the Declaration of Reservations for Tract 331 at Pueblo West, Colorado ("Declarations"), was filed for record with the office of the Clerk and Recorder for Pueblo County, Colorado in Book 1657 at Page 636, Reception No. 380915.

1.4 The District is now the Declarant pursuant to the Assignment and Assumption of Declarant's Rights and Duties dated May 12, 2009 and recorded May 29, 2009 at Reception No. 1807027 in the records of the Clerk and Recorder of Pueblo County, Colorado.

1.5 The Declaration of Reservations also provides that the Declarant shall appoint a Committee of Architecture, and the general purpose of the Committee of Architecture is to:

"Provide for the maintenance of a high standard of architecture and construction in such manner as to enhance the aesthetic properties and structural soundness of the developed subdivision."

SECTION 2. DUTIES

2.1 The Pueblo West Committee of Architecture shall provide for maintenance of a high standard of architecture and construction in such a manner as to enhance the aesthetic properties and structural soundness of the subdivided lands located within recorded tracts within the subdivision known as Pueblo West, Pueblo County, Colorado, and to perform all functions, duties, and requirements established for the Committee of Architecture as set forth in the Declaration of Reservations recorded in the official records of the Clerk and Recorder for the County of Pueblo, Colorado on August 11, 1969 in Book 1657, at Page 636, Reception No. 380915, as that Declaration of Reservations applies to recorded Tract 331, Pueblo West, County of Pueblo, Colorado, and all subsequent recorded Declarations of Reservations for tracts in Pueblo West which incorporate by reference the terms and provisions of the Declaration of Reservations for Tract 331, Pueblo West, Colorado, including but not limited to Pueblo West Tracts 336 and 337 and Liberty Point Estates Tracts 1-5 and 2A and 2B, all of which tracts are located in the County of Pueblo, Colorado ("Recorded Declaration of Reservations").

2.2 To serve as the Pueblo West Committee of Architecture and to recommend to the Pueblo West Metropolitan District Board of Directors ("Board of Directors") the prosecution of any proceeding at law or in equity against any person or persons violating or attempting to violate the Recorded Declarations of Reservations either to prevent such violations or to recover damages or other fees for each violation.

2.3 To perform all functions and duties of the Committee of Architecture as described in the Recorded Declarations of Reservations for all recorded tracts and all land made subject to the above described Declarations of Reservations for Pueblo West and Liberty Point Estates in the County of Pueblo, State of Colorado.

2.4 To create standing or special sub-committees.

2.5 To manage and complete any other task assigned by the Board of Directors from time to time.

SECTION 3. DIRECTORS, OFFICERS AND PERSONNEL

3.1 Committee Member Qualifications. Committee Members shall be 1. A resident of the District; 2. A person who owns, or whose spouse or civil union partner owns, taxable real property situated within the boundaries of the District, whether that person resides within the District or not, or 3. Be obligated to pay property taxes under a contract to purchase taxable real property situated within the boundaries of the District.

3.2 Vacancies. Any Committee of Architecture vacancy shall be filled by a Resolution of the Board of Directors noting the beginning date and end of the term which the Committee Member is being appointed.

3.3 Resignation and Removal. Committee Members may be removed from office by a majority vote of the Board of Directors for with or without cause, to include but not limited to, malfeasance, misfeasance, nonfeasance, conflict of interest, or failure to meet the Committee Member qualifications described in Paragraph 3.1. A Committee Member may resign at any time by giving written notice to the Board of Directors, and acceptance of such resignation shall not be necessary to be effective.

3.4 The Committee of Architecture shall consist of five (5) members, who shall be appointed by Resolution of the Pueblo West Metropolitan District Board of Directors (“Board of Directors”) and shall serve at the pleasure of the Board of Directors in accordance with these By-Laws, as amended from time to time, and the provisions of the Declarations.

3.5 The Committee Members shall be appointed to serve four-year terms which shall terminate as follows :

Member 1-Term Expires 4th Tuesday in March, 2020
Member 2-Term Expires 4th Tuesday in March, 2020
Member 3-Term Expires 4th Tuesday in March, 2018
Member 4- Term Expires 4th Tuesday in March, 2018
Member 5- Term Expires 4th Tuesday in March, 2018

3.6 Limitation of Terms. Beginning with appointments for 2016 and 2018, No Committee Member shall serve more than two consecutive terms in office. Terms shall be considered consecutive unless the terms are at least four years apart. Any Committee Member appointed to serve the remainder of a vacated term greater than two (2) years in length, shall be considered to have served one (1) full term for the basis of this paragraph.

3.7 Election of Officers. The Committee of Architecture shall elect from its Committee Members a Chairman and Secretary, who shall be the officers of the Committee of Architecture. The officers shall be elected by a majority of the Committee Members voting at such election. The Committee Members may, from time to time, appoint an acting officer in the absence of any individual officer. The election of the officers shall be conducted annually at the first regular meeting of the Committee in April. Each officer so elected shall serve for a term of one (1) year, which term shall expire upon the election of his or her successor or upon his or her reelection to that office.

3.8 Chairman. The President shall preside as Chair at all Committee of Architecture Meetings.

3.9 Secretary. The Secretary shall keep all minutes of the meetings of the Committee of Architecture. The Secretary shall have charge of all books and records that the Board may direct and shall, in general, perform all the duties incident to the office of the Secretary. District Staff employees shall assist the Secretary in the performance of the duties.

3.10 The Board may appoint a District Staff employee to serve as the Committee of Architecture Administrator to serve for such term and upon such conditions, including compensation, as the Board may establish. Such administrator shall

manage and maintain all official records of the Pueblo West Committee of Architecture (PWCOA), maintain database of individual property records, direct staff in determination of violation notice for covenant restrictions, schedule hearings before the PWCOA for such notices, serve as witness on behalf of PWCOA in related court actions. Oversee office practices and staffing, prepare documents and agendas for PWCOA review, maintain PWCOA calendar and meeting postings, oversee the PWCOA website and informational documents, serves as representative of the PWCOA when directed by the PWCOA, attends all PWCOA meetings and prepares minutes of PWCOA meetings. Maintain records of fees collected and deposit moneys into accounts, budget development, implementation and maintenance. The Board may delegate such additional powers and duties to the administrator as it deems appropriate.

SECTION 4. MEETINGS

4.1 Business Office. The principal business office of the Committee shall be at 109 E. Industrial Blvd., Pueblo West, CO 81007, until otherwise designated by the Board.

4.2 Meetings. All meetings of the Committee, other than executive sessions, shall be open to the public.

4.3 Regular Meetings. Regular meetings of the Committee shall be conducted on the second and fourth Thursday of each month at 5:30 p.m., at the business office, unless otherwise noticed and posted.

4.4 Special Meetings. Special meetings of the Committee may be called at the request of three (3) Committee Members, upon seventy-two (72) hours written notice, which shall be posted in accordance with State law.

4.5 No Informal Action by Directors/Executive Sessions. All official business of the Board shall be conducted only at regular or special meetings. Executive sessions may be called at regular or special meetings and conducted according to law.

4.6 Adjournment and Continuance of Meetings. When a regular or special

meeting is for any reason continued to another time and place, notice need not be given of the continued meeting if the time and place of such meeting are announced at the meeting at which the continuance is taken, except as required by law. At the continued meeting, any business may be transacted which could have been transacted at the original meeting.

4.7 Notice of Meetings. Full and timely notice Committee meetings shall be posted at the Committee's Business Office no less than twenty-four hours prior to the holding of a meeting.

4.8 Establishing Other Offices and Relocation. The Board of Directors, by resolution, may from time to time designate, locate and relocate the Committee's Business Office as, in its judgment, are necessary to conduct the business of the Committee.

4.9 E-Mail Meetings. Section 24-6-402, C.R.S. requires that certain e-mail between three or more Directors that discusses pending resolutions or other District business shall be considered a public meeting subject to the requirement of the Colorado Open Meetings Law.

SECTION 5. CONDUCT OF BUSINESS

5.1 Voting. All Committee Members shall be entitled to one (1) vote on each issue.

5.2 Quorum. Three (3) members of the Committee shall constitute a quorum for the transaction of business at any meeting.

5.3 Vote Requirements. Any action of the Board shall require a quorum and the affirmative vote of a majority of the Committee Members present and voting.

5.4 Vote by Proxy. No Committee Member shall be allowed to designate a proxy vote in his or her absence. Further, no Committee Member shall be allowed to cast a proxy vote for another Committee Member.

5.5 Order of Business. Business of all regular and special meetings of the

Committee of directors shall be transacted in the order as determined by the Committee from time-to-time.

5.6 Motions and Resolutions. Each and every action of the Committee shall be taken by the passage of motions or resolutions at a public meeting. No Committee Member shall have individual authority to direct the affairs of the Committee or to direct District Staff or employees in their duties.

5.7 Action of the Committee. Any action taken by the Committee, whether in compliance with the bylaws or not shall be valid if said action is permitted by law and taken in compliance with all statutory requirements.

5.8 Minute Book. Within a reasonable time after passage, all resolutions, motion and minutes of Committee meeting shall be recorded in a book kept for that purpose and shall be attested by the Recording Secretary. Minutes of regular and special meetings, with the exception of executive sessions, shall be available for public review as soon as practicable following acceptance of the minutes by adoption of a motion by the Committee. Executive sessions shall be electronically recorded on audio tape or other electronic media and such electronic recording or reproduction of the same shall be kept separate from minutes of regular or special meetings and shall not be open to the public except as required by law.

5.9 Fees. The Committee may from time to time establish and require, with the Board's approval, a reasonable fee prior to checking or appraising plans, to include but not limited to, new construction, property improvement, and any other administrative fees that the Committee may deem necessary or appropriate.

5.10 Parliamentary Procedure. The "Sturgis Code of Parliamentary Procedure" shall govern the procedure of the Committee in all situations or otherwise provided for by law or by the adopted rules of the District.

SECTION 6. LIMITS OF CERTAIN LIABILITIES

6.1 The District shall defend, hold harmless, and indemnify any Committee Member, District officer, agent, or employee, against any tort or liability, claim or

demand, without limitation, arising out of any alleged act or omission occurring during the performance of official duty, as more fully defined by law or by indemnification resolution. The provisions of this Section shall be supplemental and subject to and, to the extent of any inconsistency therewith, shall be modified by the provisions of the Colorado Governmental Immunity Act, 24-10-101, *et seq.*, C.R.S.

SECTION 7. CONFLICTS

7.1 Conflicts Between Documents. In the event of any conflict between the terms and provisions of the Declarations of Reservations and these By-Laws, the Declarations shall control.

SECTION 8. DISCLOSURE OF CONFLICT OF INTEREST

8.1 A potential conflict of interest of any Member shall be disclosed to the District General Counsel, District Manager, or Committee Administrator in writing, immediately upon learning of the potential conflict or on the record at a regular or special meeting.

SECTION 9. COMPENSATION

9.1 Members shall not be entitled to compensation for their service as member of the Committee of Architecture. Members may be authorized to receive reimbursement for costs as allowed by the Pueblo West Metropolitan District By-Laws, Rules and Regulations.

SECTION 10. MODIFICATION OF BYLAWS

10.1 These Bylaws may be altered, amended or repealed by official Resolution at any regular or special meeting of the Pueblo West Metropolitan District Board of Directors to become effective immediately or at a specified date.

SECTION 11. SEVERABILITY

11.1 If any part or provision of these Bylaws is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of these Bylaws, it being the Board's intention that the various provisions hereof are severable.

Adopted November 8, 2016

APPENDICES

Appendix A - Meetings

REGULAR MEETING

Day: 2nd and 4th Tuesday of each month

Time: 6:00 P.M. January through December

Place: District Board Room

109 East Industrial Boulevard

Pueblo West, Colorado

[Resolution No. 2013-04](#)

Appendix A – Water and Waste Water Rates

Water Rates

Readiness to Serve (RTS) Domestic *

Meter Size	Rate Code	RTS
3/4"	2	\$ 18.05
1"	3	\$ 19.69
1 1/2"	5	\$ 23.87
2"	6	\$ 29.07
3"	7	\$ 45.39
4"	8	\$ 62.22
6"	9	\$ 107.10
8"	10	\$ 161.16
10"	11	\$ 224.40
12"	12	\$ 397.80

Water Usage Charge /
1000 GAL

Customer Class	Rate Code	1 - 5,000 GAL	5,001 - 10,000 GAL	> 10,000 GAL
Residential/Irrigation	41	\$ 2.01	\$ 3.01	\$ 5.27
Multiplex 4 + Units/Meter	42	\$ 3.23	\$ 4.85	\$ 8.49
Commercial/Industrial	43	\$ 3.65	\$ 5.48	\$ 9.59
Non-potable/Golf Course	44/48	\$ 1.15	\$ 1.15	\$ 1.15
Hydrant Water	45	\$ 5.30	\$ 5.30	\$ 5.30
School 1 1/2"	37	\$ 4.64	\$ 4.64	\$ 4.64
School 2"	38	\$ 4.64	\$ 4.64	\$ 4.64
School 3"	39	\$ 4.64	\$ 4.64	\$ 4.64
		1-10,000 GAL	10,001-20,000 GAL	> 20,001 Gal
Duplex 2 Units / Meter	40	\$ 2.34	\$ 3.50	\$ 6.13
Triplex 3 Units / Meter	40	\$ 2.34	\$ 3.50	\$ 6.13

* For Non-potable, Hydrant meter and Fire protection RTS see next page

Sewer Rates

Readiness to Serve (RTS) Based on water meter size

Meter Size	Rate Code	RTS
3/4"	100	\$ 18.33
1"	101	\$ 16.69
1 1/2"	102	\$ 22.54
2"	103	\$ 26.21
3"	104	\$ 36.11
4"	105	\$ 47.02
6"	106	\$ 77.37
8"	107	\$ 113.95
10"	108	\$ 156.83
12"	109	\$ 279.15

Sewer Usage Charge Based on customer class

Customer Class	Rate Code	Charge / 1,000 GAL		
Residential 3 or less Units/Meter	51	\$ 2.65	Average Water Use January and February	
Multiplex 4 or more Units/Meter	53	\$ 2.65	Actual Water Use Each Month	
Auto Steamcleaning	56 *	\$ 2.65	Actual Water Use Each Month	
Bakery, Wholesale	57 *	\$ 4.95	Actual Water Use Each Month	
Bars without dining facilities	58 *	\$ 3.16	Actual Water Use Each Month	
Car Wash	59 *	\$ 2.65	Actual Water Use Each Month	
Department and Retail Stores	60 *	\$ 2.65	Actual Water Use Each Month	
Hospital and Convalescent	61 *	\$ 2.81	Actual Water Use Each Month	
Hotel with Dining facilities	62 *	\$ 3.16	Actual Water Use Each Month	
Hotel Motel without dining	63 *	\$ 2.65	Actual Water Use Each Month	
Industrial laundry	64 *	\$ 2.65	Actual Water Use Each Month	
Laundromat	65 *	\$ 2.65	Actual Water Use Each Month	

Debt service charge, Sewer		
Debt Service Charges		\$ 5.00

Laundry Commercial	66 *	\$ 2.65	Actual Water Use Each Month	
Market with garbage grinders	67 *	\$ 3.88	Actual Water Use Each Month	
Mortuary	68 *	\$ 2.65	Actual Water Use Each Month	
Professional office	69 *	\$ 2.65	Actual Water Use Each Month	
Repair Shop / Service Station	70 *	\$ 2.81	Actual Water Use Each Month	
Restaurant	71 *	\$ 4.95	Actual Water Use Each Month	
School / College	72 *	\$ 2.65	Actual Water Use Each Month	
Soft Water Service	73 *	\$ 2.65	Actual Water Use Each Month	
All Others	74 *	\$ 2.65	Actual Water Use Each Month	
Industrial	75 *	\$ 2.65	Actual Water Use Each Month	

* May be subject to load surcharge based on current rules and regulations

Water Rates

RTS Non-potable (Raw Water)

Meter Size	RTS
4"	\$ 4.90
6"	\$ 5.60
8" / Desert Hawk GC	\$ 5.70
10"	\$ 5.90
12"	\$ 6.20

RTS Hydrant Meter

Meter Size	RTS
1 ½"	\$ 85.10

RTS Fire Protection Meter

Meter Size	RTS
< or = 3"	\$ 15.00
4"	\$ 18.30
6"	\$ 25.00
8"	\$ 32.00

As adopted by the Pueblo West Metropolitan District Board on
February 23, 2016 Resolution No. 2016-11

APPENDIX A

Water connection fees are the sum of the Water Plant Investment Fund (PIF) and the Tap Fee for parts and labor. Larger meter sizes will be computed upon customer request for connection. Additional equipment such as backflow preventers may be required, at customer cost, for connection to the water system as set forth in the regulations.

Water Fees and Charges

Meter size	Water PIF	Tap Fee	Water Connection
3/4" Displacement or Multi-jet	\$ 10,597.00	\$ 1,278.00	\$ 11,875.00
1" Displacement or Multi-jet	\$ 16,567.00	\$ 2,344.00	\$ 18,911.00
1 1/2" Displacement or Class I Turbine	\$ 33,146.00	\$ 3,963.00	\$ 37,109.00
2" Compound Displacement Class I & II Turbine	\$ 53,031.00	\$ 5,814.00	\$ 58,845.00
3" Displacement	\$ 99,426.00	\$ 10,902.00	\$ 110,328.00
3" Compound	\$ 106,051.00	\$ 10,902.00	\$ 116,953.00
3" Class I & II Turbine	\$ 115,993.00	\$ 10,902.00	\$ 126,895.00

Wastewater connection fees are the sum of the Wastewater Plant Investment Fund (PIF) and the Tap Fee for parts and labor. Larger sizes will be computed upon customer request for connection. 3/4" water meter requires a 4" sewer tap and a 1" to 3" water meter requires a 6" sewer tap. Larger than 3" water meter may require a larger sewer tap size dependent upon use. Additional equipment such as grease interceptors may be required, at customer cost, for connection to the wastewater system.

Wastewater Fees and Charges

Meter size	Wastewater PIF	Tap Fee	Wastewater Connection
3/4" Displacement or Multi-jet	\$ 4,320.00	\$ 1,084.00	\$ 5,404.00
1" Displacement or Multi-jet	\$ 6,462.00	\$ 1,114.00	\$ 7,576.00
1 1/2" Displacement or Class I Turbine	\$ 12,922.00	\$ 1,114.00	\$ 14,036.00
2" Compound Displacement Class I & II Turbine	\$ 20,675.00	\$ 1,114.00	\$ 21,789.00
3" Displacement	\$ 38,767.00	\$ 1,114.00	\$ 39,881.00
3" Compound	\$ 41,352.00	\$ 1,114.00	\$ 42,466.00
3" Class I & II Turbine	\$ 45,228.00	\$ 1,114.00	\$ 46,342.00

Hydrant Meter Charges	
Fire Hydrant Meter Deposit	\$ 1,490.00

As adopted by the Pueblo West Metropolitan District Board on February 23, 2016 Resolution No. 2016-11

Appendix A - 1

AFTER HOURS SERVICE REQUESTS

The minimum fee for after-hours service	\$ 35.00
Over-time hourly rate	\$ 26.35 per hour

METER TEST FEES

METER SIZE	FEE
¾"	\$ 40.00
1"	\$ 40.00
1 1/2"	\$ 40.00
2"	\$ 120.00
3"	\$ 120.00
4"	\$ 120.00
6"	\$ 185.00
8" or larger	\$ 200.00

OTHER FEES, CHARGES AND PENALTIES

Service charge for non-sufficient or dishonored checks	\$ 25.00
Service charge for re-deposit of non-sufficient or dishonored checks	Up to \$ 10.00
Service charge for filing lien	\$ 50.00
Delinquent payment penalty	Up to \$ 15.00
Meter re-reads	\$ 15.00
Meter reading for final billing (unless on normal meter reading day)	\$ 15.00
Transfer charge for new accounts	\$ 15.00
Turn Off Fee	\$ 50.00
Turn On Fee	\$ 50.00
Meter Tampering Fee	\$ 100.00
Meter Removal Fee	\$ 50.00
Meter Re-install Fee	\$ 50.00
Unauthorized use of Fire Hydrant	\$ 250.00

Revised 01/25/2011

Appendix B

FEES FOR USE OF DISTRICT PROPERTIES

A. Park Facilities

1. SOFTBALL FIELDS

a. Regular League Play: The fee for use of softball fields in Pueblo West parks for field maintenance and power costs shall be \$10 per team, per game, for a total of \$20 per game.

b. Tournament Play: The fee for use of the softball fields in Pueblo West shall be \$20 per game regardless of lights or not. A \$75 damage deposit shall also be required for tournament rentals.

2. SWIMMING POOL

a. Daily Rates

Age Group	Rates
Children 3 and under	Free
Children 4 - 17	\$1.25
Adults	\$2.00
Senior Retirees, age 60+	\$1.25

As adopted by the Pueblo West Metropolitan District Board on November 10, 2015 Resolution No. 2015-55

b. Season Passes: If purchased prior to the opening of the swimming pool,

Age Group	Regular Price
Family	\$150.00
Children 4-12	\$ 50.00
Children 13-17	\$ 60.00
Adult	\$ 65.00

As adopted by the Pueblo West Metropolitan District Board on November 10, 2015 Resolution No. 2015-55

c. Private Swim Parties: Thursdays, Fridays and Saturdays (6-8 pm)

• *CASH Damage Deposit, \$75* - required within one week of all telephone reserves or your name will be erased. Kindly give a 24-hour notice if you have to cancel your party or lose \$37.50 (1/2 of deposit). One extra lifeguard for every 25 people over the 50 person limit can be requested for another \$25. The swimming pool is totally maxed at 140 people inside the pool area, not just those that are swimming.

Group	Time Limit	Maximum Persons	Rate
Pueblo West Residents	2 hrs	50 whether swimming or not	\$150

Non-Pueblo West Residents 2 hrs 50 whether swimming or not \$250

3. Lovell Park Pavilion

Posted park hours are **6:00 am to 10:30 pm**. With the rental of the Pavilion, you will have use of one softball field, the sand volleyball court and horseshoe pit. You need to supply your own equipment.

• The renter of the facility has full responsibility to make sure the area is clean after use. All garbage, food, trash, etc., must be hauled to dumpsters. If park personnel need to clean up the area, you will lose half of your deposit.

FEES:

Number of Individuals Rates

- 0 - 50 people \$70
- 51 - 100 people \$100
- 101 - 150 people \$150
- 151 people and over \$150 + \$1/person over
- CASH Damage Deposit \$75

4. Cattail Crossing Pond

Posted park hours are 6:00am to 10:30pm. Remember, if you have dogs it is a Pueblo County law that they must remain on a leash. No pets are allowed to run free after the wildlife in the Cattail Crossing area.

The renter of the picnic facility has full responsibility to make sure the area is clean after use. All garbage, food, trash, etc., must be hauled to dumpsters. If park personnel need to clean up the area, you will lose half of your deposit.

FEES:

Number of Individuals Rates

- up to 25 people \$25
- 26 to 50 people \$50
- CASH Damage Deposit \$75**

B. RECREATION BUILDING, 230 East George Drive, Pueblo West

1. An annual \$25 registration fee and refundable damage deposit of \$75 will be collected at the time of registration. Any Pueblo West organization shall be entitled to one meeting per month without charge. All organizations using the facility more than once per month shall be charged an additional \$25 per usage fee.

2. All non-registered activities:

A. Activities hosted by Pueblo West adult (over 21 yrs.) residents:

1. A CASH damage deposit of \$75.00 must be paid when a reservation is made.
2. The rental fee is \$60.00.

B. Activities hosted by non-residents - adults (over 21 yrs.):

1. A CASH damage deposit of \$75.00 must be paid when a reservation is made.
2. The rental fee is \$120.00.
3. Permission to serve alcoholic beverages at any function shall be obtained in accordance with [Title 5 of the Rules and Regulations](#).

• *A maximum capacity for the Memorial Recreation Building is 60 people.* • *All groups and renters of the Memorial Recreation Building must be out by 10:00 p.m. Any tables and chairs used must be stored, or returned where they were found.*
(damage and clean up deposit shall be refunded only if there is no damage, and all trash has been hauled to the dumpster in back of the building, and the FOB key has been returned the following Monday, if not, \$25 will be deducted from the CASH damage deposit.)

C. Beer Beverages Permit 1.

Application fee for possession and consumption of beer beverages (keg or can) on District property to be paid at the time of permit request \$25.00

D. Exempt Clause.

The District Manager has the authority to waive registration fees and deposit fees for civic or community groups who have or who will provide a community service beneficial to the District.

REVISED 4-4-14

Appendix C

PUEBLO WEST COMMITTEE OF ARCHITECTURE FEE SCHEDULE

Single Family Residence (includes IRC Factory Built)	\$275.00
Mobile Home	\$200.00
Multi-family (includes duplex, four-plex and apartments).....	\$300.00
Commercial/Industrial Building	\$300.00
Commercial Sign (permanent).....	\$300.00 per sign
Commercial Sign (temporary banners).....	\$ 50.00 per sign
Accessory Buildings, additions not larger than 400 square feet (includes residential & commercial garages and patio enclosures).....	\$ 25.00
Accessory Buildings, additions 401-1000 sq. ft. (includes residential & commercial garages and patio enclosures).....	\$ 50.00
Accessory Buildings, additions 1001 sq. ft. or more (includes residential & commercial garages and patio enclosures).....	\$100.00
Fences, Carports, Pergolas, dog runs, decks	\$ 25.00
Miscellaneous (Solar panels, Wind turbines & other not specified above).....	\$50.00
Variance Applications	\$150.00

***Fees are non-refundable
Fees will be returned only if the project is pulled prior to the meeting
Or when directed differently by COA***

Approved by Resolution 2016-82 on November 8, 2016

Appendix D

QUIT CLAIM DEED

THIS DEED is a conveyance from the person(s) or legal entity named below as GRANTOR to the Pueblo West Metropolitan District a Quasi-municipal Corporation, organized and existing under and by virtue of the laws of the state of Colorado as GRANTEE of whatever interest the GRANTOR may have in the property described below.

The GRANTOR hereby sells and quit claims to the GRANTEE the property described below with all its appurtenances.

The grantor intends this Deed to convey all of his entire interest in all of the water and water rights of a non-tributary or partly non-tributary nature in the Dakota, Purgatoire or other aquifers appurtenant to, underlying or if in any way associated with the lands and property described below, under the heading Property Description.

The grantor or his duly authorized officer, agent, or partner being duly sworn upon oath, states that to the best of their knowledge, grantor is the owner of the property described below and that they have not previously given up or relinquished the right to the non-tributary ground water underlining the described lands.

This grant shall be construed as complying with the consent requirements of Colorado Revised Statutes 37-90-137 and Pueblo West Metropolitan District Rules and Regulations Title 10.

Grantors convey to grantee, all the appurtenances and privileges thereunto belonging or in any wise thereunder appertaining and all the estate right, title, interest and claim whatsoever of the grantor either in law or equity to the only proper use benefit and behoof of the grantee its successors and assigns forever.

The following information completes this Deed.

GRANTOR: _____

PROPERTY DESCRIPTION: TRACT _____, BLOCK _____, LOT _____, Pueblo West,
Pueblo County, Colorado

PROPERTY ADDRESS: _____

Signed on _____, 19____.

Grantor

Grantor

STATE OF COLORADO)
) ss.
COUNTY OF PUEBLO)

Subscribed and sworn to and acknowledged before me this _____ day of
_____, 19____, by _____

Witness my hand and notarial seal.

My commission expires: _____

Notary Public

RESOLUTIONS