

ARTICLE 7

FEES AND CHARGES

7-1 GENERAL:

- 7-1-1 Purposes. The purpose of the fees and charges provided in this Article is to provide for the payment of all actual costs of operating, maintaining, repairing, replacing, and expanding the District System, including the funding of reasonable reserves to accomplish any or all of said purposes in the future, and for contingencies. Except for extraterritorial fees and charges, all such fees and charges shall be based upon the approximate cost of providing the service for which such fees and charges are made and have been determined by the Board of Directors to be reasonable and necessary for the recovery of all such costs. Fees and charges for extraterritorial service, if any such service is provided by the District, shall be at such rates and fees as may be determined by the Board in its discretion. The intent of disparate fees and charges for extraterritorial service is to ensure that properties serviced outside of the District's boundaries do not pay a cumulative total of fees and charges which are equal to or less than the cumulative total of fees, charges and taxes which are paid by in-District customers.
- 7-1-2 Liability. The fees and charges provided in these Rules and Regulations are the personal, joint and several obligation of the owners of the property for which service is furnished or the charge is made, but the full amount of any such fees and charges shall also be a perpetual lien against any such property, as provided by Section 32-1-1001(1)(j), C.R.S. The District assumes no responsibility for any agreement made between Property Owners and tenants, regardless of how made and regardless of whether the District has notice thereof. Notwithstanding the foregoing, however, any Plan Review, Observation/Inspection, or Disconnection/Reconnection Fee shall also be the personal obligation of any person who orders or requests the District to perform such work, even though such person may have acted in a representative capacity when doing so.
- 7-1-3 Schedule of Fees and Charges. The Board shall establish by resolution a schedule of fees and charges authorized by these Rules and Regulations, such resolution to remain in effect until modified by passage of a subsequent resolution establishing a new schedule of fees and charges.

7-2 SYSTEM CHARGES.

7-2-1 District System Charge.

- A. There is hereby imposed a System Charge calculated as set forth below, which shall be due and payable in full at the time application for a Tap Permit is made.
- B. The amount of the System Charge shall be based upon estimated flows, or measured flows if available, from the Permitted Premises, expressed in single family equivalents (SFE's), except that the minimum charge shall be for not less than one (1) SFE.
- C. For the purposes of this 7-2-1 (but not for the Big Dry Creek Interceptor charge provided in 7-2-2 below), one SFE shall be assessed when a premises generates 255 gallons of wastewater per day average, or peak flows thereof at a rate equal to 1,020 gallons per day. Estimates of flows from any premises will be made by the District, taking into account recognized planning criteria, actual District experience with premises similar to that under consideration, fixture counts, frequency and times of peak discharges, size of water tap, and any and all other relevant factors. Subject to the minimum System Charge established above, the amount of the System Charge for any particular premises shall be determined by multiplying the number of SFE's established for the premises, including fractions, by the applicable rate specified by the Board in its applicable resolution. (Rev. 8/12/02, Resolution No. 02-06)
- D. The amount of any increase in the System Charge resulting from increased flows from the Permitted Premises, as required by Section 5-7-2, shall be calculated by subtracting the amount of the System Charge previously paid by the Property Owner from the current applicable level of System Charge at the time the increase is determined. In no event will the District refund any System Charge or portion thereof because of any decrease in the rate or volume of flows from the Permitted Premises.
- E. If a Property Owner fails to notify the District as required in 5-7-2, the District may, after giving him notice and an opportunity to be heard, determine an increased System Charge for the premises, and invoice him for the amount due to the District.

- F. At any time it becomes necessary for the District to estimate the rate or volume of flows from any premises under this Section, the District may require the Property Owner to enter into a written agreement for a subsequent adjustment in the amount of the System Charge based upon actual experience when the premises has been continuously operated at substantially its ultimate capacity for two years or more. Any such agreement may be placed of record in the county where the premises are located.
- G. Administrative Fees. In order to defray the costs and expenses incurred in processing Tap applications, issuing Tap Permits and maintaining accurate records in connection with Tap sales, there is hereby imposed an administrative fee per Tap, regardless of size. Such fee is in addition to any and all other fees and charges imposed by the District, and shall be paid in full at the time application for the Tap is made.
- H. Refunds. Upon written application of any Property Owner holding a valid, current Tap Permit for a new Tap from the District, the District will cancel its Permit and refund the System Charge paid therefor, subject to the retention of an administrative processing fee per tap, regardless of size. If a Permit for the Tap was issued by Englewood, the applicant must furnish proof that the Englewood Permit has been cancelled. If Englewood did not issue its Permit for such Tap, the applicant must surrender the District's Permit therefor. The District will not refund a System Charge or any portion thereof upon cancellation or expiration of a Tap Permit except as provided above. All sums collected by the District as a System Charge for any Tap shall be credited toward the amount of the System Charge to be collected at the time of any subsequent application for service at the premises for which the original Tap was authorized.

7-2-2 Big Dry Creek Interceptor Charge. In addition to the charges provided in 7-2-1 above and 7-2-3 below, there is hereby imposed a separate System Charge to defray the expenses of developing transmission capacity in the Big Dry Creek Interceptor. The amount of this charge shall be equal to the amount of the Base Line Charge imposed upon the District from time to time pursuant to Sections 4.1 and 4.5 of the Basin Interceptor Agreement, dated August 1, 1990. One such charge shall be imposed for each Equivalent Tap or fraction thereof. Such charge is due and payable to Englewood, in full, at the time application is made to Englewood for the Tap or Service Connection. For the purposes of this 7-2-2 (but not for the District System Charge provided in 7-2-1 above), the method of calculating the number of Equivalent Taps represented by any Service Connection

shall be based upon the method of calculating the Treatment Tap Fee for the Littleton/Englewood Bi-City Wastewater Treatment Plant, as defined in the Wastewater Utility Ordinance, with the Treatment Tap Fee for a single family residence served by a 3/4 inch water meter corresponding to one (1) Equivalent Tap. The number of Equivalent Taps attributable to other Service Connections shall be calculated by dividing the amount of the Treatment Tap Fee for such other Service, as determined by Englewood, by the amount of the Treatment Tap Fee for a single family residence served by a 3/4 inch water meter. (This charge is imposed pursuant to the Basin Interceptor Agreement, dated as of August 1, 1990, between the District, Englewood, South Arapahoe Sanitation District, and South Englewood Sanitation District No. 1.)

7-2-3 Englewood Fee. The above figures do not include tap fees for treatment services payable to Englewood. An applicant for a Tap Permit shall pay these additional fees directly to Englewood in addition to those set forth above.

7-3 MAIN EXTENSION REVIEW/OBSERVATION FEES: Any person who is required to obtain District review of plans or design or District observation of construction in connection with a Main Extension shall pay a review/observation fee. Such fee shall be paid in full at the time the plans or design are presented to the District for review.

7-4 OBSERVATION/INSPECTION FEE. Any person who is required to obtain District construction observation other than in connection with a Main Extension shall reimburse the Actual Costs incurred by the District for such observation or inspection, calculated in accordance with the rates set forth in Appendix 1 hereto. If required by the District, such person shall deposit an amount reasonably estimated by the District to cover the fee for such observation when the request for or notice of the needed observation is made. Any unused portion of the deposit will be refunded, and any deficit will be invoiced to the person liable therefor within 30 days after the observation.

7-5 SERVICE CHARGES:

7-5-1 District. There is hereby imposed upon each and every Permitted Premises served by an active Tap within the District a Service Charge per year per Equivalent Tap. For the purposes of the Service Charge imposed by this subsection, an Equivalent Tap is determined by the size of the water meter serving the Permitted Premises, according to the following table:

<u>TAP SIZE</u>	<u>NUMBER OF EQUIVALENTS</u>
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¾"	1
1"	2
1½"	4
2"	8
3"	18
4"	36
6"	94

Except as otherwise expressly set forth herein, Service Charges shall be invoiced, administered and collected by Englewood along with and subject to the same rules and policies as the Englewood charges described in 7-5-2 below, but nothing herein shall be construed to limit or impair the authority of the District to invoice, administer or enforce the collection of the Service Charges herein provided.

7-5-2 Englewood. Any and all Englewood charges for sewage treatment services and Big Dry Creek Interceptor maintenance imposed by the said City shall be paid by the persons liable therefor as provided by the Wastewater Utility Ordinance. The District is liable to Englewood under the Connector's Agreement and the Basin Interceptor Agreement dated as of August 1, 1990, for any such charges not paid by the customer and accordingly, when any unpaid Englewood service charges are certified to the District by Englewood as being delinquent, or are invoiced by Englewood to the District under the Connector's Agreement or the Basin Interceptor Agreement, such charges shall immediately be deemed District charges and shall be immediately due and payable to the District.

7-6 INCLUSION/EXCLUSION FEES: Any person who petitions for inclusion of his property into or exclusion of his property from the District shall pay the following fees and charges in connection therewith:

7-6-1 Processing Fee. A processing fee shall be paid in full at the time the inclusion or exclusion petition is filed with the District.

7-6-2 Per-Acre Inclusion Fee. A fee per acre of property to be included, prorated by square footage if less than whole acres are included, shall be paid in full at the time the inclusion petition is filed with the District. If the inclusion is denied by the District the Per-Acre Inclusion Fee shall be refunded.

7-7 SWIMMING POOL PERMIT FEES: The person liable therefor shall pay a swimming pool discharge permit fee at the time application for the permit required by 3-4 is made.

7-8 SPECIAL SERVICES/REIMBURSEMENT FEES: The following fees and charges are imposed and assessed for the purposes set forth below pursuant to contractual or other obligations of the District:

7-8-1 Dorado/Newport Sewer Line Reimbursement Charge. (Original 7-8-1 Belleview Terrace reimbursement charge repealed: Resolution 92-04 §1, 5/12/92; Dorado/Newport reimbursement charge reenacted: Resolution 92-05 §1, 11/10/92); Dorado/Newport reimbursement charge repealed 5/15/2000)

7-8-2 Other Unique Circumstances. The Board may establish from time to time, additional fees and charges to be assessed against licensed properties to defray any identifiable costs and expenses which may be incurred to service a particular area or zone of the District, including without limitation, pumping costs, storage costs, or other similar costs and expenses incurred to service that particular area or zone.

7-8-3 Willow Creek Sanitary Sewer Outfall Line Reimbursement Charge. (Charge enacted: Resolution No. 00-08, 8/8/00; Charge repealed due to satisfaction of obligation 8/29/01)

7-8-4 J&N/Zerr Sewer Line Reimbursement Charge.

7For the purpose of reimbursing certain property owners part of the cost of constructing certain lines and facilities, there is hereby imposed a reimbursement charge in the amount provided herein upon each parcel of property which receives or whose owner applies to receive service from or through all or any part of the eight-inch main consisting of 896 linear feet of sanitary sewer and appurtenances running 409.2 feet westerly in Orchard Road from the District's Manhole 15-E2-1 and then northerly in an easement 486.8 feet, herein called "the Line".

8The amount of the reimbursement charge applicable to any such property shall be determined by the District at the time application for service is made, based upon that portion of the Line, in terms of lineal feet, which is or will be utilized to serve the property, applied as a percentage to the Line's cost of construction, being \$184,898.05, adjusted proportionately to account for existing utilization of the same portion of the Line by other connectors.

9This charge shall not be applicable to any property whose owner has contributed to the cost of constructing the Line, either by direct payment or by payment of a reimbursement charge for the specific property involved.

10The charge imposed by this subsection shall be in addition to all other fees and charges imposed by the District in connection with the authorization for the tap. It shall be due and payable at the time application for service is made, and no tap authorization shall issue until payment thereof is received.

11This subsection is repealed, effective December 6, 2012, (ten years from date of application).

(Charge enacted: Resolution No. 03-03, 5/13/03)

- 7-9 DISCONNECTION/RECONNECTION CHARGES: Whenever any Sewer Service is physically disconnected, interrupted, or reconnected by the District for any reason, the Property Owner or any other person liable therefor shall reimburse the actual costs (2-1) incurred by the District for such work, calculated in accordance with the rates set forth in Appendix 1 hereto.
- 7-10 CURE CHARGES: Whenever the District cures any defect, deficiency, nonconformity or violation as provided in these Rules and Regulations, any person who is responsible under these Rules and Regulations to cure such condition, or whose act or omission resulted in the necessity for the curative action, shall be liable and obligated to reimburse the actual costs (2-1) incurred by the District for such undertaking, calculated in accordance with the rates set forth in Appendix 1 hereto.
- 7-11 CIVIL FINES PASS THROUGH: Any person who, by act or omission, causes the District to incur any fine or penalty assessment imposed by federal, state, county, or municipal authorities shall be fully liable to the District for the total amount of the fine so assessed.
- 7-12 DELINQUENCY CHARGES; COLLECTION COSTS; LIEN: Full payment of any and all fees or charges imposed or assessed by the District is due upon presentation of the District's invoice, unless these Rules and Regulations provide otherwise for notice or payment of any specific charge. The invoice shall be conclusively deemed presented to a Property Owner if personally served upon him, or if mailed postage prepaid by first class mail addressed to the service address of the property or any other address for the Property Owner known to the District. Any amount so invoiced or otherwise due and payable will become delinquent 30 days thereafter, and the full amount of any delinquent balance shall thereafter bear interest at the rate of one percent (1%) per month, compounded monthly. Further, the District may impose a penalty and add the same to any unpaid indebtedness after 60 days from the invoice or due date. Any person liable for such fees and charges shall also be obligated to pay any and all costs of collection, including reasonable attorney fees and court costs, actually incurred by the District. Until paid, all rates, tolls, fees, charges, interest, penalties, and costs of collection shall constitute a perpetual lien on or against the property served.

- 7-13 WITHHOLDING APPROVALS AND PERMITS: Notwithstanding any provision of these Rules and Regulations to the contrary, the District may withhold permits, approvals, or other authorizations from any person until all sums then due to the District from such person are paid in full.
- 7-14 RIGHTS AND REMEDIES PRESERVED: Nothing in this Article 7 shall be construed as a limitation or as an alternative to any right or remedy of the District regarding collections, termination of service, or other enforcement rights and remedies set forth in Article 9.