

ARTICLE 5

SERVICE APPLICATIONS AND PERMITS

5-1 PERMIT REQUIRED; APPLICATION: No person shall cause or permit any connection to any District facility without first obtaining a Tap Permit therefor as provided in this Article 5, and obtaining a City of Englewood permit as provided in the City of Englewood Wastewater Utility Ordinance. Any person who desires to obtain new service to property within the District shall make written application therefor at the office of the District upon such forms as may be prescribed and furnished by the District. Such person shall also furnish such additional information about the premises as may be required by the District to calculate the estimated demand of such premises upon the District System.

5-2 APPROVAL STANDARDS; REVOCATION:

5-2-1 Approval Standards. Upon a determination that all of the following conditions exist or have been met with respect to the application, the District shall issue its Tap Permit for the service requested:

- A. The written application and information submitted therewith is accurate, complete, and proper as to form.
- B. The person making application has the authority or consent to do so from the Property Owner.
- C. All applicable fees and charges imposed by or through the District are paid at the time of application.
- D. The property proposed for service is within the legal boundaries of the District and the area authorized for service under the Connectors Agreement with Englewood.
- E. The Main on which the Tap will be made has been accepted by the District and all conditions necessary under 6-8 for Conditional Acceptance of District facilities used or useful to serve the Tap exist at the time application for service is made. Prior acceptance of such facilities by the District does not conclusively establish that this requirement is met.
- F. The District system downstream from the point where the Tap will be made, and the Englewood transmission and treatment facilities, are adequate to serve the proposed Tap.

G. The Tap applied for is then available under the current Tap Allocation program of Englewood.

5-2-2 Conformity with District Standards. Notwithstanding any other provision of these Rules and Regulations to the contrary, the District may terminate or withhold Tap Permits or approvals for service from any facilities, public or private, which do not conform to District or Englewood Wastewater Utility Ordinances, or Standards and Specifications.

5-2-3 Revocation. The District may revoke any Tap Permit, before or after the Tap is activated, upon a determination that the application therefor contained false or inaccurate information and, but for such misinformation, the application would have been denied when made.

5-3 EXPIRATION: Obtaining a Tap Permit from the District does not obligate the Property Owner to activate the Tap, but such Permit shall expire and be of no further force or effect if the Tap is not made within one year from the date issued. The District will not refund any portion of the Tap Fee paid with the application, but the amount of the Tap Fee so paid will be applied toward applicable fees if the Property Owner reapplies for the Tap, under the then current schedule of Tap Fees.

5-4 NON-TRANSFERABILITY OF TAP PERMIT: Each Tap Permit applies only to the premises identified thereon and is not deemed in any sense to be personal property. No Tap Permit may be transferred from one premises to another without the approval of the District, but a Tap Permit shall be deemed to follow any transfer or sale of the fee ownership of the Permitted Premises (2-10).

5-5 MULTIPLE TAPS PROHIBITED: Not more than one separately described parcel of land shall be served by any single Tap, but this provision shall not be construed to require owners of separate condominium units within any one building or group of buildings in the same condominium development to obtain their own separate Taps if the Tap for the entire building or project is of adequate size and is in the name of the owners' association. In the event of a subdivision, sale, or transfer of any part or parts of any separately described parcel of land served by a single Tap, the owner of that part of the Permitted Premises closest to the Tap, following the route taken by the service line, shall be entitled to keep the original Tap, and the owner of each other part shall be required at his sole expense to obtain a new and separate Tap for his part of the property under this Article 5. If there are improvements upon his part of the property which were served by the Tap at the time of the subdivision, sale, or transfer, he shall do so within 30 days of the date of such subdivision, sale or transfer. Any violation of this section shall be deemed an unauthorized Tap or connection to the District System.

5-6 INSTALLATION STANDARDS: Property Owner shall make the Tap at his sole cost and subject to the following:

- 5-6-1 Inspection. No Tap shall be activated until the District has received confirmation that Englewood has issued a permit for the premises, the District has issued its permit, and the tap has been inspected and approved by the District. Property Owner shall notify the District not less than two business days before making a Tap and shall set a time for the District's inspection thereof.
- 5-6-2 Service Line Drawing. Property Owner/Developer, other than for single family residential construction, shall supply the District with a service line drawing, together with an AutoCAD digital file of same, conforming to the District's standards, prior to tap sale, showing the location of the Tap, the service line and appurtenances.
- 5-6-3 Cure of Defects. The Property Owner shall, at his sole cost, correct, repair or replace any part or parts of any work performed during installation of a tap which the District reasonably determines were not constructed in conformity with these Rules and Regulations, approved plans, construction notes or specifications, or which the District determines to be defective, of poor or unworkmanlike quality, or otherwise not in conformity with any applicable warranty. Cure of defects by Property Owner shall be administered and enforced under the Rules set forth in Section 3.4 of the System Specifications and 7-10.
- 5-7 TAP SIZING; DEMAND CHANGES:
- 5-7-1 Sizing. The size of the Tap shall be determined by the Property Owner, subject to the approval of Englewood and the District.
- 5-7-2 Demand Changes. Before the effective date of any change in the use of any Permitted Premises which increases the volume or rate of flows from said premises by more than one SFE, calculated as provided in 7-2-1, the owner of such premises shall notify the District as provided in 3-9. Any increase in the System Charge for the Permitted Premises shall be determined in accordance with 7-2-1.
- 5-8 VOLUNTARY DISCONNECTION: Any Property Owner desiring to have sewer service disconnected shall notify the District office a minimum of two business days in advance of the date of disconnection. Property Owner shall at his sole cost uncover the Service Line at the location determined by the District and install a plug.

Disconnection of service by this means shall not be deemed completed until the District has inspected and approved the plug. All work shall be performed by the Property Owner at his sole cost. From and after the effective date of disconnection, the District shall not assess any service charges for the property so disconnected, but this shall not relieve the property from liability for District tax levies upon the assessed valuation of the property. Further, the District has no right of control over the assessment of periodic service charges by the City of Englewood. No refund shall be made of any previously paid System Charge. Any reinstatement of a service disconnected pursuant to this Section shall be treated as an application for new service, except that credit shall be allowed for any Tap Fee previously paid for service at the premises.

5-9 TAP ALLOCATIONS: Taps are allocated annually to the District by Englewood, and such allocations are subject to the provisions of the current Connectors Agreement between the District and Englewood. Subject to the foregoing and to any other applicable provisions of the said Connectors Agreement, the District's allocation of Taps from Englewood shall be allocated and sold within the District on a first come, first served basis.

5-10 SWIMMING POOL PERMIT:

5-10-1 Permit Required. Any Property Owner who desires to use the District System to carry Swimming Pool Discharge, as defined in 2-16 above, shall make written application for a Swimming Pool Permit at the office of the District and the City of Englewood upon such forms as may be prescribed and furnished by the District and Englewood. Only one permit shall be issued per pool.

5-10-2 General Conditions. The District may impose such reasonable restrictions as to frequency, times, volume and rate of such discharge as may be appropriate to reduce the risk of surcharge or other potential problems in the District System which may result from the entry of Swimming Pool Discharge into the District System.

5-10-3 Mechanical Controls. The District may further require Property Owner, at his sole cost and subject to the provisions of Part B of Article 3 above, to install such equipment as the District may prescribe to insure that the general conditions of the Permit are observed. If required, such equipment shall be subject to the exclusive control of the District and shall not be modified, altered, removed or bypassed without the express written consent of the District.

5-10-4 Revocation. The restrictions and requirements of 5-10-2 and 5-10-3 above shall be conditions of the permit, and a breach or violation of any of the same shall

constitute cause for revocation thereof. The District shall afford Property Owner notice and an opportunity to be heard before revoking any Swimming Pool Permit. Upon the revocation of any such permit, Property Owner shall immediately cause the swimming pool facilities to be physically severed and disconnected from any sewer facilities, public or private, which permit Swimming Pool Discharge therefrom to enter the District's System. Failure to comply with this requirement shall constitute cause for suspension or termination of all sewer service to the property in accordance with 9-4 below.

- 5-11 EXTRA-TERRITORIAL SERVICE: Nothing in these Rules and Regulations shall limit the District's ability to provide services outside its legal boundaries under such terms and conditions as the Board may determine. Any such service shall be rendered only by written contract approved by the Board. No such contract, however, or the services rendered pursuant thereto shall be construed to impose upon the District any obligation to provide other service outside of its legal boundaries, nor shall the existence of such contract or the services rendered in connection therewith constitute an offer by the District to serve outside of its boundaries generally. All such written service contracts shall be in conformity with, and subject to, all of the terms and conditions of extraterritorial service as set forth in the Basin Interceptor Agreement with the City of Englewood, dated August 1, 1990.