

ARTICLE 5

SERVICE AND LICENSES

5-1 LICENSE REQUIRED; APPLICATION: No person shall cause or permit any service connection to any District facility without first obtaining a District License therefor as provided in this Article 5, and a Denver License as provided in the Denver Operating Rules. 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.

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 License 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 Service Agreement with Denver.
- 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 is adequate to serve the proposed Tap.

G. The Tap applied for is then available under any Tap Allocation program of Denver which may be in effect .

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 Licenses or approvals for service from any facilities, public or private, which do not conform to District or Denver Rules and Regulations, Standards and Specifications.

5-2-3 Revocation. The District may revoke any License, 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 TRANSFERABILITY OF LICENSE: Each License applies only to the premises identified thereon and is not deemed in any sense to be personal property. No License may be transferred from one premises to another, but a License shall be deemed to follow any transfer or sale of the fee ownership of the Licensed Premises.

5-4 EXPIRATION/CANCELLATION OF DISTRICT LICENSES:

5-4-1 After 90 Days. A District License shall expire and become of no further force or effect 90 days after the date thereof if it is not presented to Denver for issuance of its License for the Tap within that time.

5-4-2 By Imposition of Tap Allocation Policy. Notwithstanding any other provision of this Article 5, no District License will remain effective after the effective date of any Tap Allocation Policy or similar restriction upon the allocation, sale and authorization of Licenses by Denver.

5-4-3 Cancellation by Denver. The cancellation of any Tap or License by Denver shall automatically and without further action or notice by the District cancel the District's License for such Tap.

5-4-4 Effect. Upon the cancellation or expiration of any District License, such License shall be deemed void and of no further force or effect. Any subsequent application for service at the premises affected by the original License shall be deemed an application for new service.

5-5 DENVER REISSUES: An application for the reissue, as that term may from time to time be defined by the Operating Rules of Denver, of any License shall be subject to the same procedures as herein set forth for applications for new Licenses.

- 5-6 TAP ALLOCATIONS: Subject to any applicable Tap Allocation program of Denver, the District shall allocate and authorize Taps for service within its area on a first come, first served basis.
- 5-7 MULTIPLE TAPS PROHIBITED: Each and every independent structure requiring water service shall be individually licensed whether or not under common ownership. For the purposes of this section, structures shall be considered to be independent if they do not have a common foundation, walls, and roof, provided, however, that the District may, at its discretion, grant variances, upon good cause shown, for service to free standing workshops or garages. In the event of a subdivision, sale, or transfer of any part or parts of any Licensed Premises, the owner of that part of the Licensed 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 License 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 service connection to the District System.
- 5-8 INSTALLATION STANDARDS: Unless otherwise provided by Contract, Denver shall make all Taps of 2" in size or smaller. Any person who makes a Tap on any District main is subject to Chapter 3 of the System Specifications and to the following:
- 5-8-1 Inspection. No Tap shall be activated until the District has received confirmation that Denver has issued a license for the premises, the District has issued its license, and the tap has been inspected and approved by the District. Property Owner shall notify the District not less than two business days before a Tap is to be made and shall arrange for the District's inspection thereof.
- 5-8-2 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 and the service line.
- 5-8-3 Cure of Defects. The person who made the Tap 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 in any Tap made by the Property Owner shall be administered and enforced under the Rules set forth in Section 3.4 of the System

Specifications and 7-10.

5-9 TAP SIZING; INCREASES:

5-9-1 Sizing. The size of the Tap shall be determined by the Property Owner, subject to the approval of Denver and the District.

5-9-2 Demand Changes. An application for an increase in the size of any existing Tap shall be treated as an application for new service to the extent of the increase. The System Charge to be paid in connection with such application shall be determined by subtracting the previously paid amount of the System Charge for the previously purchased existing Tap from the current amount of the System Charge for the size of Tap applied for. No refund of any System Charge shall be made in connection with reduction in the size of any tap. If a Property Owner requests an increased service which is large enough to impose a demand in excess of the capacity of the existing main, it may be necessary to replace the existing main with one of appropriate size, and in such event the full cost thereof shall be paid by the Property Owner.

5-10 HYDRANT PERMITS:

5-10-1 Authorized Use. The only use for which water may be taken from fire protection facilities without a permit is for the fighting of fires.

5-10-2 Permits for Authorized Use. Water to be used for purposes other than fighting fires, such as construction water or temporary irrigation uses, may be withdrawn from fire hydrants only if a permit authorizing the special use for which such water may be withdrawn has been issued by the District. Permits shall be valid only during the dates and only for the purposes specified therein.

5-11 FIRE PROTECTION: The right to Tap a District Main for, or to take and use water from the District System for private fire protection service is granted only upon the following conditions:

5-11-1 License. The Property Owner has secured a License for such Tap or service from the District, and has paid the applicable administrative fee in connection therewith.

5-11-2 Installation and Operating Requirements. The fire protection system shall be supplied by water from a dedicated line which is separate from the consumptive use line. The Property Owner must consult with the applicable fire department prior to installation to determine required flows and pressures which may be required by any applicable fire code or regulation. All fire protection systems

shall have an approved backflow prevention device installed in accordance with all applicable regulations issued by the Colorado Department of Health, and such device shall be installed in a location that will protect it from freezing. The device must be tested and the results of such testing shall be reported in accordance with applicable state regulations. All installations are subject to District inspection prior to activation.

- 5-11-3 Adequacy of Service. The District assumes no obligation or responsibility for adequacy of private fire protection service. The District shall not be liable for any failure of such system in the event of a fire.
- 5-11-4 Limited Use. The only use for which water may be taken from private fire protection facilities under License is to extinguish fires. Any other use of water by any person, except routine testing, from such facilities shall be deemed unauthorized use of water for which a License for fire protection service may be suspended or revoked.
- 5-12 STUB-IN: Stub-ins are authorized only under applicable provisions of the Denver Operating Rules. District approval and inspection is required for all stub-ins. No connection to a service line shall be permitted until fully licensed by the District.
- 5-13 VOLUNTARY DISCONNECTION: Any Property Owner desiring to have water service disconnected shall apply to the District office for a District Cut-off Permit a minimum of two business days in advance of the date of disconnection. Such disconnection shall be accomplished as provided by applicable provisions of the Denver Operating Rules. 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 Denver. 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 System Charge previously paid for service at the premises.
- 5-14 CONSOLIDATION OF TAPS; CREDITS: Whenever the Property Owner desires to eliminate two or more existing Taps serving the site of a future project containing one or more new buildings, the transferability of existing Taps and credits for District System Charges to the new project shall be governed by and follow

Denver's determination of these issues for its Taps and System Charges, on a case-by-case basis.

- 5-15 EXTRA-TERRITORIAL SERVICE: Nothing in these Rules and Regulations shall limit the District's ability to provide service 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 Water Service Agreement between Denver and the District if such service will be utilizing water provided pursuant to such Agreement.