

ARTICLE 9

ENFORCEMENT AND ADMINISTRATION

- 9-1 DISTRICT AGENTS AND REPRESENTATIVES: The District Manager and any other employee or agent of the District designated by the District Manager shall have full authority to act for and on behalf of the District in any matter affecting the administration or enforcement of these Rules and Regulations.
- 9-2 CONCURRENT JURISDICTION OF DENVER: Pursuant to 1-7-1 above, all provisions of the Denver Operating Rules and Engineering Standards are fully effective within the area of the District. Every person who undertakes any work on District facilities or who uses or seeks to use such facilities shall comply with the same. District personnel are hereby authorized and empowered to enforce any and all such provisions, and any lawful order or direction of Denver, within the area of the District with the same force and effect as if such provision or order were set forth verbatim in these Rules and Regulations or issued by the District. Likewise, duly accredited personnel of Denver are hereby authorized and empowered to enforce such provisions or orders within the area of the District with the same force and effect as within the City and County of Denver. Nothing in this section shall be construed to waive or release Denver from any obligation or duty it may have to or in favor of the District.
- 9-3 RIGHT OF ENTRY FOR INSPECTIONS: Duly authorized representatives of the District or of Denver, bearing proper credentials and identification, shall be permitted to enter upon all property at reasonable times for the purpose of inspecting, observing, measuring, sampling, and testing in connection with the enforcement and administration of these Rules and Regulations.
- 9-4 SUSPENSION OR TERMINATION OF SERVICE: In addition to and without waiving any other available remedy, the District shall have and may exercise the right to suspend or terminate service to any property where or as to which a violation of these Rules and Regulations, or of any permit, approved plans or applicable contract, or of any standard imposed by Denver, occurs or continues, in accordance with the following:
- 9-4-1 Immediate Suspension/Termination. The District may immediately terminate service upon revocation of any License or permit, or suspend service when such suspension is necessary in order to stop or prevent any use or escape of water from the District System which presents or may present a risk of substantial loss of water or an imminent and substantial endangerment to the property, health or welfare of any person or the general public..

9-4-2 Notice and Opportunity for Hearing.

- A. When it appears that any fees or charges imposed under these Rules and Regulations become delinquent, or that any other cause for suspension or termination of service exists, the District may mail or deliver to the owner of the property where or as to which the deficiency occurs, at the service address or a known current mailing address for the property owner of the affected property, a notice advising him of the following: (1) the alleged deficiency; (2) that water service to the property will be suspended or terminated on account of such deficiency on a date not less than 30 days from the date of the notice unless the stated deficiency is sooner cured; (3) that he has the right to a hearing at which he may be heard concerning the alleged deficiency; and (4) that he must request the hearing in writing before the suspension or termination date specified in the notice if he desires the hearing to be held.
- B. If the Property Owner does not cure the stated deficiency or request a hearing within the time provided, the District shall forthwith order the service to be suspended or terminated, as appropriate.
- C. If the Property Owner makes timely written request for hearing, the District Manager shall promptly schedule and hold such hearing. The District Manager shall state the reasons supporting his decision. Suspension or termination of service shall be stayed until the District Manager holds the hearing and renders his/her decision.
- D. Upon an adequate showing of mitigating circumstances by the Property Owner, the District Manager may extend the stay for up to 10 days following the date of his/her decision. If the deficiency is not cured as required within such period, the District shall forthwith order the service suspended or terminated, as appropriate.

9-4-3 Execution of Order. Any person notified of a suspension or termination of service shall immediately stop or eliminate the taking of any and all water from the District System at the property affected by such order on the effective date of the suspension or termination. The District may take such steps as deemed

necessary, including a physical interruption or disconnection of service, in order to enforce the suspension or termination order.

9-4-4 Grounds for Termination; Effect. Service shall be terminated and not merely suspended if (1) the License therefor is revoked; or (2) the connection providing

such service was not authorized when made; or (3) the service was suspended at least two times within the preceding five years as a consequence of the acts or omissions of the same Property Owner. Any service terminated under this Section 9-4 may not be reinstated. The owner of any property served by a service which has been so terminated may apply for new service for such property as provided in Article 5.

9-4-5 Reinstatement of Suspended Service. Any suspension order shall be rescinded by the District Manager upon a determination that the deficiency forming the basis for such suspension order has been cured and that no further or other nonconforming conditions or uses of the District system are evident on the property affected by the suspension order. The District shall not reinstate service until the person requesting reinstatement has paid the full amount of any applicable disconnection charge and the District Manager's reasonable estimate of any applicable Reconnection Charge imposed under 7-9, and any and all other amounts then due to the District from such person.

9-5 CURE OF VIOLATIONS:

9-5-1 Order to Cure. If the District determines that any water facilities are not in conformity with these Rules and Regulations or that the terms of any Right of Way, easement or other agreement between the District and a Property Owner are being violated, it may give written notice thereof to the Property Owner at the service address or any other address for such person known to the District. Such notice shall specify the non-conformity, direct the Property Owner at his cost to perform specified curative work, and specify the period of time determined by the District to be reasonably necessary for completion of the curative work.

9-5-2 District Cure at Owner Cost. If the Property Owner fails within the specified time following such notice to cure the non-conformity stated therein, the District may, in addition to and without waiving any other remedy, perform the work and charge the Property Owner for its actual costs (2-1) incurred in connection therewith, calculated in accordance with the rates set forth in Appendix 1 to Article 7. Those provisions of Article 7 applicable to invoicing and collection of fees and charges shall apply to any charges assessed to the Property Owner under this section.

9-6 APPEALS: Any orders, directives or decisions of the District relating to the administration or enforcement of these Rules and Regulations may be appealed, in writing, to the Board of Directors, within ten days of the effective date of the order, directive or decision.

9-7 PENALTY CHARGES: For the purposes of defraying the District's costs and expenses incurred in discovering, investigating, curing, and repairing the consequences of violations of applicable requirements, and in order additionally to deter persons from committing such violations, there is hereby imposed upon any person who the District finds and determines causes, or attempts to cause, or who permits, solicits, aids or abets any other person to cause or attempt to cause, by act or omission, any of the violations set forth below the penalty charge set forth for such violation. For the purposes of this section, it shall be rebuttably presumed that the owner of the property served by any private water facilities where or upon which such violation exists, or of property which directly benefits from such violation, is the person who caused or permitted the same to occur. A separate and distinct violation shall be deemed committed upon each day or portion of thereof that any such violation shall occur or continue. Those provisions of Article 7 applicable to invoicing and collection of fees and charges shall apply to any and all charges imposed under this section 9-7.

9-7-1 Unauthorized Service Connection. Any service connection made to the District System without a proper License therefor is deemed an unauthorized service connection. A connection to the private plumbing system of the licensed premises to supply water or water service to any premises not covered by the License shall also subject the owner of the non-Licensed premises to the following penalty: An amount equal to twice the System Charge for the connection made, calculated as provided in 7-2 above, in addition to any System Charge imposed or paid pursuant to said section for the connection when made in conformity with these Rules and Regulations.

9-7-2 Unauthorized Use of Water. Taking or using water from the District System without a valid License or Permit therefor. Taking or using water from a licensed premises for service on any other premises not covered by the License shall also subject the violator to the following penalty: \$50.00.

9-7-3 Violation of License or Permit. Taking or using water from the District System in violation of the terms of any License or Permit provided by these Rules and Regulations: \$50.00.

9-7-4 Interconnection; Crossconnection. Making any physical connection between the District System and any other water system, including that of Denver, without the written approval of the District: \$1,000.00.

9-7-5 Escape or Waste of Water. Causing or permitting the escape of water from the District System in such a way that water is wasted or lost to beneficial use: \$100.00.

- 9-7-6 Unauthorized Supply. Supplying, taking or using treated water within the District from any water system other than the District System: for supplying, \$500.00; for taking or using, \$500.00.
- 9-7-7 Violation of Conservation or Curtailment Order. Take or use water from the District System in violation of any order of the District or Denver relating to the curtailment or conservation of water: \$100.00.
- 9-7-8 Interference; Failure to Permit Inspection. Interfering with the employees or agents of the District in the performance of their duties, or refusing to permit District employees or agents to inspect the premises: \$150.00.
- 9-7-9 Tampering. Bypassing, breaking, damaging, destroying, removing, uncovering, altering, defacing, or otherwise tampering with any portion of the District System, obstructing the flow of water in the District System, or obstructing access to District facilities: \$2000.00.
- 9-7-10 Easement Violations. Placing any prohibited plant or structure within the boundaries of any District right-of-way or easement, in violation of 8-10: \$150.00.
- 9-7-11 Unauthorized Entry. Opening or entering any District property or facility without authorization: \$25.00.
- 9-7-12 Foreign Materials. Causing or permitting the entry of any foreign materials into any water facility, public or private: \$100.00.
- 9-7-13 Failure to Report. Failing to report damage to or alteration of any District facility, or any foreign materials or obstruction in the flow of water in any District facility: \$100.00.
- 9-7-14 Violation of Stop Work Order. Performing or continuing to perform any work in violation of a Stop Work Order: \$500.
- 9-7-15 Failure to Provide Record Drawings. Failing to furnish record drawing of Taps as installed: \$100.
- 9-7-16 Violation of Suspension/Termination Order. Failure to stop or eliminate the discharge of wastewater from property effected by an Order suspending or terminating service to such property: \$100.

- 9-7-17 False Official Statement. Making or filing with the District any statement, report or application which the person making or filing same knows or has reasonable cause to know is false or substantially inaccurate, or omitting any material fact in connection with such statement, report or application when the omission thereof leaves the remainder of the information given misleading or substantially inaccurate: \$100.00.
- 9-7-18 Failure to Notify of Excavations. Failing to notify the District of excavations in the area of subsurface District facilities at least two business days before beginning such excavation: \$25.00.
- 9-8 CIVIL DAMAGES: In addition to and without waiving any other available remedy, the District may recover civil damages from any person liable under the laws of the United States or the State of Colorado to the District as a result of any violation of these Rules and Regulations or other unlawful act or omission. Such damages shall include the cost of any water taken in violation of any provision of these Rules and Regulations, plus the District's actual costs of discovering, investigating, curing, mitigating and repairing the consequences of any violation or other unlawful acts or omissions, calculated according to the rates set forth in Appendix 1 to Article 7. The District shall further be entitled to recover three times its actual damages in cases covered by the provisions of Article 7.5, Title 40, C.R.S., which provisions are incorporated herein by reference.
- 9-9 INJUNCTIVE RELIEF: In addition to and without waiving any other available remedy, the District may seek injunctive relief from any act or omission which violates these Rules and Regulations, or which otherwise jeopardizes the property or health of any person, including the District.
- 9-10 REMEDIES CUMULATIVE: The remedies available to the District under these Rules and Regulations, under the Denver Operating Rules, and under the laws of the State of Colorado shall be deemed cumulative, and the utilization by the District of any single such remedy or combination thereof shall not preclude the District from utilizing any other remedy or combination thereof.

12/8/98