

**APPENDIX A
RULES & REGULATIONS**

- 2000-4: A Resolution to Sewer Use Resolution 95-4 Concerning Payment of Monthly User Fees
- 2000-3: A Resolution to Sewer Use Resolution 95-4 Pertaining to Late Payment Penalties and Interest on Fees and Charges
- 1998-3: A Resolution to Sewer Use Resolution 95-4 Concerning Service Lines
- 1996-3: A Resolution to Sewer Use Resolution 95-4 Amending ERT Schedule for Automobile Dealerships
- 1995-4: South Durango Sanitation District Sewer Use Resolution
- Section 1 - Definitions
 - Section 2 - Ownership and Operation of District Facilities
 - Section 3 - Unlawful Acts: Connection Required
 - Section 4 - Private Sewage Disposal Systems
 - Section 5 - Sewer Connection Permits and Requirements
 - Section 6 - Discharge Regulations and Limitations
 - Section 7 - Inspection Required: Enforcement
 - Section 8 - Sewer Main Extensions
 - Section 9 - Plant Investment Fee Schedule
 - Section 10 - User Fees
 - Exhibit "A" - ERT Schedule
- 1986-1: South Durango Sanitation District Sewer Use Resolution

**SOUTH DURANGO SANITATION DISTRICT SEWER USE
RESOLUTION NO. 95- 4**

THIS RESOLUTION is adopted pursuant to the statutes of the State of Colorado for the purpose of establishing rules, regulations and fees pertaining to the South Durango Sanitation District sewage collection and treatment system.

WHEREAS, the South Durango Sanitation District is a political subdivision of the State of Colorado authorized pursuant to the Special District Act, Section 32-1-101 C.R.S., *et seq.* and is authorized to provide sanitation services in the South Durango area; and

WHEREAS, the Board of Directors of the South Durango Sanitation District has determined that a comprehensive sewer use resolution governing the operations and functions of the District is desirable; and

WHEREAS, the Board of Directors of the District has further determined that an equitable rate structure for plant investment fees (tap fees) and monthly user charges, based on the actual costs for treating commercial and residential sewage, is desirable; and

WHEREAS, the nature of the District's sewage treatment facility indicates that the system will function best if the system is not used to treat industrial type wastes and, it is the intent of the District to exclude the burden of industrial type wastes from sewage to be treated by the District facilities.

WHEREAS, this Resolution shall supersede any previous resolution, rules and regulations of the District which are in conflict with the provisions hereof.

NOW, THEREFORE, BE IT RESOLVED THAT THE FOLLOWING SOUTH DURANGO SANITATION DISTRICT SEWER USE RESOLUTION BE ADOPTED:

Section 1. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Resolution shall be as follows:

- 1.1 BOARD and BOARD OF DIRECTORS: The governing body of the South Durango Sanitation District.
- 1.2 BOD (Biochemical Oxygen Demand): The quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter (mg/l).

- 1.3 **BUILDING DRAIN:** That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage inside the walls of the building and conveys it from the building five feet outside the outer face of the building wall.
- 1.4 **COMBINED SEWER:** A sewer receiving both surface or storm water and sewage. (Prohibited in the South Durango Sanitation District.)
- 1.5 **DISTRICT:** The South Durango Sanitation District, acting through the authority of its Board of Directors and its authorized representatives.
- 1.6 **EQUIVALENT RESIDENTIAL TAP or ERT:** That sewage flow originating from any single family home, mobile home, condominium, townhouse, dwelling unit, or other unit based on 250 ²²⁵ gallons per day flow, a five day average BOD of 200 ppm and 250 ppm total suspend solids. ₂₅₀
- 1.7 **FLOATABLE OIL:** Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and does not interfere with the collection system.
- 1.8 **GARBAGE:** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- 1.9 **INFILTRATION:** Any material such as surface waters, ground waters or storm waters entering service lines or public sewers which is not sewage.
- 1.10 **INDUSTRIAL WASTE:** The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
- 1.11 **NATURAL OUTLET:** Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- 1.12 **OFFICIAL NOTICE:** Notice which shall be in writing issued by authority of the Board of Directors, directed to the owner (or owner's agent) of the property as shown on the records of the County Assessor, mailed to the address shown on the records of the County Assessor by certified mail, return receipt requested, and such notice shall be deemed to have been given as of the date of mailing.

- 1.13 PERSON: Any individual, firm, company, association, society, corporation, group or trust or other entity.
- 1.14 pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- 1.15 PLANT INVESTMENT FEE or PIF: The fee required to be paid to the District as a proportionate share of the capital cost of the District's facilities sometimes called a tap fee.
- 1.16 PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking, garbage, 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 (1.12 centimeters) in any dimension.
- 1.17 PUBLIC SEWER or SEWER MAIN: Any sewer which is owned and maintained by the District.
- 1.18 SANITARY SEWER: A sewer which carries sewage and to which storm, surface and ground waters are not admitted intentionally.
- 1.19 SERVICE LINE: The extension from the building drain to the public sewer or other place of disposal and shall include lines serving more than one unit which have not been accepted by the District such as collection lines in mobile home parks, townhouse or condominium projects or similar multi-unit situations.
- 1.20 SEWAGE (WASTEWATER): A combination of the liquid and water carried wastes from residences, business buildings, institutions and industrial establishments.
- 1.21 SEWAGE TREATMENT PLANT: Any arrangement of devices and structures used for treating sewage also called the "Wastewater Treatment Plant or "WWTP".
- 1.22 SEWAGE WORKS: All facilities for collecting, pumping, treating and disposing of sewage.
- 1.23 SEWER: A pipe or conduit for carrying sewage.
- 1.24 SHALL, MAY: Shall is mandatory; May is permissive.

- 1.25 **STORM DRAIN:** A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- 1.26 **SUSPENDED SOLIDS:** Solids that either float on the surface of, or are in suspension in water, sewage, or other liquid and which are removable by laboratory filtering.
- 1.27 **USER FEES:** A monthly service fee paid to the District for a proportionate share of the operation and maintenance expenses of the District's facilities including depreciation.
- 1.28 **WATERCOURSE:** A channel in which a flow of water occurs, either continuously or intermittently.

Section 2. OWNERSHIP AND OPERATION DISTRICT FACILITIES

2.1 General Statement of Policy. The District was created for the purpose of providing sanitation service to property in the South Durango and Grandview areas. In order to achieve that goal, the District assumes responsibility for the operation and maintenance of the sewage works in accordance with this Resolution however, the District assumes no liability or responsibility for inadequate treatment or interruption of service due to circumstances beyond the Districts control.

2.2 Liability. The District shall not be liable for any claims or damages arising from clogging in the system causing backup of ~~an~~^effluent, breakage of lines from injuries to persons or property growing out of the maintenance or operation of the sewage works or from interruption of service, unless such damages are the results from negligent or willful acts of the District, its employees and agents. Although the District will inspect service lines, it assumes no responsibility for the negligent design, installation or operation of service lines. The District does not waive the defenses or immunity from claims arising under the Governmental Immunity Act of the State of Colorado. *

2.3 Ownership. All public sewers (sewer mains) shall become and are the property of the District. District ownership shall be valid without any conveyance required. The connection of a public sewer to the District's system shall automatically transfer ownership to the District regardless of the party who constructed or paid for installation. All service lines, whether presently existing or connected in the future, shall become and are the property of the owner who receives service from such line.

2.4 Agents of the District. Any duly authorized representative of the District, including it's manager, engineer, attorney or other employee or subcontractor, is authorized to ~~en~~^eforce the provisions of this Resolution and to the extent necessary to enter upon public and private property for the purpose of inspection, observation, sampling and testing. *

Section 3. UNLAWFUL ACTS; CONNECTION REQUIRED

3.1 Deposits of Wastes. It shall be unlawful for any persons to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the District any human excrement, garbage or other objectionable waste.

3.2 Unlawful Discharge. It shall be unlawful to discharge to any natural outlet within the jurisdiction of the District any sewage or other polluted water except where suitable treatment has been provided in accordance with the provisions of this Resolution.

3.3 Private systems prohibited. Except as provided in Section 4, it shall be unlawful to construct or maintain within the District any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

3.4 Connection required. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the District and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the District, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and whenever necessary for the protection of public health, to connect such facilities directly with the proper public sewer in accordance with the provisions of this Resolution within thirty (30) days after the date of official notice to do so, provided that said public sewer is within four hundred feet (400') of the premises. Failure to comply with this paragraph is an unlawful act and, in addition to any other remedies the District may have, the District may connect the premises to the public sewer and assess the cost to the owner in accordance with C.R.S. 32-1-1006(l)(a).

Section 4. PRIVATE SEWAGE DISPOSAL SYSTEMS

4.1 Connection to approved private system. Where a public sewer or sewer main is not available under the provisions of subsection 3.4 of this Resolution the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Resolution and in accordance with the rules and regulations of and approved by the San Juan Basin Health Unit.

4.2 Abandonment of private systems. At such time as a public sewer becomes available requiring connection pursuant to subsection 3.4 of this Resolution, all septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material, in accordance with all state and local ordinances, rules and regulations.

Section 5. SEWER CONNECTION PERMITS AND REQUIREMENTS

5.1 Unauthorized connection. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the District.

Sewer Tap Application?

5.2 Inclusion of property required. Except as provided in Subsection 5.3, sewer service shall be provided only to property which is legally included within the District. Persons desiring sewer service whose property is not located within the boundaries of the District shall make application for inclusion and pay all legal fees and publication costs for the proceedings.

5.3 Service by contract. The District may agree, by written contract, to provide sewer service to property not within the boundaries of the District, but only in cases where inclusion of the property is not legally possible. In such cases, the agreement shall contain at a minimum provisions for collecting fees, rates, tolls and charges which are at least equal to those paid by users in the District and an agreement to comply with all the rules and regulations contained in this and any other resolutions of the District.

5.4 Application for service. Any person desiring sewer service shall make application on a permit application furnished by the District. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the District. The PIF as determined hereunder and a permit and inspection fee established by the District shall be paid to the District at the time of application.

5.5 Owner's responsibilities for service line. All costs and expenses incident to the installation and connection of the service line shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation, operation or maintenance of the service line.

*L ?
→ All sewer services shall be privately owned & maintained until the actual pt of connection at the sewer main.*

5.6 Shared service lines. A separate and independent service line shall be provided for each lot or parcel. The District shall have no maintenance responsibility for any service line, including shared service lines. More than one building or unit may be connected to the service line provided it is of adequate size to serve all connections. The portion of the line which serves more than one building or unit shall be known as a "shared service line". In the event the lot or parcel is later subdivided, each new lot or parcel shall have a separate service line. * See Resolution 98-3

5.7 Existing service lines. Old service lines may be used in connection with new buildings only when they are found, on examination and/or testing by the District, to meet all requirements of this Section.

5.8 Service line specifications. The size, slope, alignment, materials of construction of a service line, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the District's specifications and the state plumbing code.

5.9 Private lift stations. Whenever possible, the service line shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the service line, at no expense to the District.

5.10 Connections prohibited. No person shall make connections of roof down spouts, interior or exterior foundation drains, areaway drains, floor drains or other sources of surface runoff or groundwater to a service line which in turn is connected directly or indirectly to a public sanitary sewer. All clean water drain connections are specifically prohibited.

5.11 Inspection of service lines. The applicant for sewer service shall notify the District when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the District, at the expense of the applicant. C ?

5.12 Safety and restoration required. All excavations for service line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, paving cuts and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District and other governmental entities.

5.13 Extension of sewer mains. Any person who (1) does not have access to sewer main service of the District within 400' of his premises during initial construction or petitions for inclusion to the District; and (2) requires sewer main extension for service, shall be required to extend the sewer main of the District to his property in accordance with Section 8.

Section 6. DISCHARGE REGULATIONS AND LIMITATIONS

6.1 Clean water and industrial process water prohibited. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage including interior and exterior foundation drains or industrial process waters to any sanitary sewer of the District.

6.2 Prohibited sewage. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers, which is hereinafter called "prohibited sewage":

6.2.1. Any gasoline, oil, benzene, naphtha, fuel or other flammable or explosive liquid, solid or gas.

6.2.2. Any waters or wastes containing radioactive, toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the collection system of the sewage treatment plant.

6.2.3. Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

6.2.4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags,

feathers, tar, plastics, wood, whey, buttermilk, carcasses or hides of dead animals or fowl, whole blood, paunch manure, hair, entrails, paper dishes or cups, milk containers and similar items either whole or ground.

6.3 District right to prohibit discharge of special sewage. No person shall discharge or cause to be discharged the following described substances, materials, water, or wastes (hereinafter called "special sewage") if it appears likely in the opinion of the District that such special sewage can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of special sewage, the District will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

6.3.1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F or 65°C).

6.3.2. Any water or wastes containing fats, wax, grease or oils whether mulsified or not, in excess of one hundred (100) mg/l.

6.3.3. Any garbage that has not been properly shredded.

*- Require kitchens to
dump scraps in
trash not sinks?*

6.3.4. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District in compliance with applicable State or Federal regulations.

6.3.5. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

6.3.6. Any waters or wastes having:

(a) A five (5) day BOD greater than three hundred (300) parts per million by weight, or

(b) Containing more than three hundred (300) parts per million by weight of suspended solids, or

(c) An average daily flow greater than two percent (2%) of the average sewage flow of the District, shall be subject to the review of and approval for discharge by the District.

6.4 Procedures for special sewage. If any special sewage is discharged, or is proposed to be discharged to the public sewers, which in the judgment of the District may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the District may:

- (a) Reject the wastes;
- (b) Require preliminary treatment to an acceptable condition before discharge to the public sewers (see subsection 6.5);
- (c) Require control over the quantities and rates of discharge; and/or;
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

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, and subject to the requirements of all applicable codes, ordinances and laws. Where preliminary treatment or flow-equalizing facilities are provided for any special sewage, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

6.5 Preliminary treatment. Where necessary in the opinion of the District, the owner shall provide at his expense, such preliminary treatment as may be necessary to:

- (a) Reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or
- (b) Reduce the suspended solids to three hundred (300) parts per million by weight, or
- (c) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the District and no construction of such facilities shall be commenced until said approvals are obtained in writing.

6.6 Interceptors required. Grease, oil, and/or sand interceptors shall be provided by the owner at the owner's expense when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All establishments where food is prepared for sale, including restaurants, carry-out facilities, butcher shops and similar establishments, shall install and maintain a grease interceptor. All interceptors shall be of a type and capacity approved by the District, and shall be located as to be readily and easily accessible for cleaning and inspection.

6.7 Observation manholes. When required by the District, the owner of any property serviced by a service line carrying special sewage requiring pretreatment shall install a suitable control manhole together with such necessary meters and other appurtenances in the service line to facilitate observation,

sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

Section 7. INSPECTION REQUIRED; ENFORCEMENT

7.1 Inspection permitted. The District or its representatives shall have the authority at any time to inspect any portion of the facilities of the District and of the building drains and sewers connected to those facilities.

7.2 Inspection of service lines. At such time as a service line has been prepared for connection to the District's sewer mains, a representative of the District shall be empowered to make a visual inspection of said connection. The inspection will consist of a visual assurance that excessive infiltration and inflow are not present in the service line and that the connection has been made in accordance with District's specifications. No service line shall be backfilled without said inspection and approval.

7.3 Excess infiltration. At any time that reasonable evidence exists that infiltration or type of flow from a building sewer has changed to the detriment of the District or exceeds permitted levels, the District's representative may cause to be uncovered or inspected said service line in order to determine the magnitude of such changes. Repairs ordered by the District to a service line will be at the cost of the person or individual owning that building sewer.

7.4 Interference with sewage works. The District shall have the power to enforce all provisions of this Resolution. In addition, the District shall have the power to prevent any interference or obstruction of the District's sewage works. This shall include, but not limited to, malicious mischief, illegal connections, improper discharge to system, unauthorized lifting of manhole lids, trespass on the sewage treatment site and other similar acts.

7.5 Abandonment of service lines. Whenever a service line is abandoned or temporarily disconnected, the owner of the property served by such line shall properly excavate and cap the service line so as to prevent any infiltration to the public sewer. No capped service line shall be backfilled without the inspection and approval by the District.

7.6 Enforcement. The District shall have the power to enforce all provisions of this Resolution by action for damages, or injunction, or by criminal prosecution in any court of competent jurisdiction. The District shall also have the right, after reasonable notice, to enter the property of any person to make necessary repairs, connections or disconnections of service lines and related facilities, at the expense of the owner. Unpaid monies due to the District are a perpetual lien on the property served or subject to the charge and are the personal liability of the owners of such property until paid. Such monies may be collected by an action to foreclose the lien, for money, damages or in any other method provided by law. In all enforcement and collection matters, the owner or person responsible shall pay all costs incurred by the District including reasonable attorneys fees.

Section 8. SEWER MAIN EXTENSIONS

8.1 Approval required. No sewer main shall be constructed within the boundaries of the District, or connected to the existing facilities of the District without written approval from the Board. All

sewer mains shall be constructed in accordance with District specifications then in effect.

8.2 Costs of extensions. Except when the District determines that an extension would be in the best interest of the District, all public sewer extensions shall be constructed at the sole expense of the developer, owner or person requesting such extension. In addition to the actual construction costs, the owner, developer or person requesting the extension shall pay all expenses incurred by the District in connection with the extension including all District engineering fees for the design, review and testing of the extension, all legal expenses incurred by the District in preparing, reviewing, approving and enforcing the extension agreement and all testing expenses.

8.3 Required submittal. For approval of any extension the following documents and information must be submitted for review:

- (a) A copy of the proposed or final plat for any subdivision;
- (b) Drawings and specifications for all sewer lines, manholes, lift stations and related equipment prepared and certified by a registered engineer;
- (c) Construction and performance bond equal to 100% of the construction cost of the proposed extension; and
- (d) Easements, deeds, title reports and other evidence to demonstrate that sufficient easements for the extension exist.
- (e) Any other information deemed necessary for complete review by the District.

*Match
wording
or
revise
here*

After approval of the proposed extension, the District will enter into an agreement authorizing the extension in accordance with this resolution.

8.4 Acceptance of extensions. After construction and prior to acceptance for maintenance of any extension and prior to permitting any connection of service lines to the extension, the following must be submitted and approved by the Board:

- (a) As-built drawings and profile maps of the sewer extension stamped or certified by a registered engineer.
- (b) Drawings and specifications for lift stations, if any.
- (c) Deeds for all new easements and bill of sale or other documents of conveyance for all lines and other facilities.

8.5 Compensation for oversized facilities. No person extending the public sewer shall be entitled to any reimbursement or other compensation from adjoining land owners who connect to the extension, except when the District requires over sizing of the facilities in order to serve future development. In those cases where over sizing is required, the District will enter into a recovery agreement allowing the person financing the extension to recover a portion of the additional costs resulting from the over sizing of the facility.

Section 9. PLANT INVESTMENT FEE SCHEDULE

9.1 Equivalent Residential Taps. It shall be required of all persons using (or desiring to use as explained below) the facilities of the South Durango Sanitation District sewage works that a proportionate share of the capital investment in the cost of the District facilities be paid known as the Plant Investment Fee (PIF) or tap fee. For the purposes of determining the proportion of total flow any user contributes to the system an Equivalent Residential Tap(ERT) unit is established. An ERT shall be the average sewage flow in terms of both quantity and strength originating from any single family home, mobile home, condominium, townhouse or dwelling unit. From that ERT definition, the schedule for calculating the ERTs for various uses is adopted and attached as Exhibit "A". This schedule is based upon Colorado Department of Health Guidelines for per capita flow and the District engineer's recommendations concerning loading for the types of uses shown, derived generally, but not exclusively, from a 250 gallons per ERT sewage flow, a five (5) day average BOD of 200 ppm and 250 ppm total suspended solids. *225* *250*

9.2 Plant Investment Fees. Prior to connection of any service line to the District's facilities a plant investment fee shall be paid in full. The amount of the plant investment fee shall be determined by multiplying the total ERT's from the owner's application (see Subsection 9.1) by the current rate established for each ERT. The District reserves the right to periodically adjust the rate for the purpose of providing sufficient funds for repair, expansion and replacement of the District's facilities.

9.3 Transferability. PIF's shall be purchased for a specific property and specific land use and will be non-transferable to another property. PIF's shall be automatically transferred to successive owners of the same property.

9.4 Expanded use. If any owner at any time expands the ERT use on his property beyond that stated in the PIF Application and Permit for which the owner paid the District, such owner shall apply, pay for and obtain a further Permit for such additional ERTs and pay an additional PIF. Such further PIF payment shall be at the rate in effect as of the date of application or date of actual use, whichever is higher, and shall be due as of the date of first use and shall bear interest from date of first use until paid at 12% per annum.

9.5 Relinquishment of PIFs. Whenever any person desires to permanently abandoned PIFs (or any portion thereof) this person shall execute and submit to the District a relinquishment form. The form will specify the address and description of the property, the number of ERTs being abandoned and shall contain an acknowledgment by the owner that relinquishment constitutes a full and complete surrender of all rights and privileges for the ERTs. Any future sewer use on the property shall require new application and payment of all PIFs, permit fees and related expenses. Upon acceptance of the relinquishment by the District, the PIFs shall be relinquished and no further user charges for the relinquished PIFs shall be assessed. *7*

Section 10. USER FEES

10.1 Service charge. ** See Resolution 2000-4* Any person connected to the District System shall pay a monthly service fee regardless of whether the building sewer in question is being utilized, unless a seasonal rate has been permitted. Payment will be required for unoccupied dwellings, businesses shut down or temporarily idle, vacant mobile home spaces and all other unused connections. Failure to pay said service charge within 90 days will be grounds for revocation of the privilege to utilize the sewer system of the District

and all PIF's paid will be subject to forfeiture.

10.2 Rates. The District shall establish a monthly service charge per ERT. The amount of such charge may be changed periodically by resolution of the Board. The District further reserves the right to require installation of a water meter and a metered rate for any user.

10.3 Billing.* The District shall bill all users on a monthly basis. All bills shall be payable by the 10th of the month. All charges shall bear interest at 12% per annum from date due until paid. Any charge not paid within 30 days of billing date shall also have a 10% penalty added automatically.

** See Resolution 2000-3*

10.4 Expanded use. From and after the date any owner expands the ERT use on property already served by sewer connection (see subsection 9.4), the owner shall to pay the District the service charge for the total ERT available to be served through the sewer connection with interest at 12% per annum from the date of first use.

10.5 Surcharge. The District will assess a surcharge rate for all non-residential users reasonably suspected of discharging wastes having a flow or BOD or TSS concentration greater than that represented by the number of ERT's purchased by that user. The District may compel any sewer user to install sealed water meters on all user's water sources at user's expense to meter flows for the purpose of enacting a surcharge. The surcharge rates shall be as follows:

(a) For a flow in excess of 250 gallons per day per ERT a surcharge of \$1.50 per 1,000 gallons of excess per month shall be charged.

(b) For BOD or TSS, a surcharge of \$1.00 per 1,000 gallons per month shall be charged for each 50 ppm in excess of 250 ppm.

10.6 Collection.* Any payment due to the District shall be a perpetual lien on the property to which the charge applies and shall be the personal responsibility of all owners of the property until paid. Delinquent amounts may be collected by civil suit and/or foreclosure of the lien against the property and against the owners. ** see Resolution 2000-3*

DONE AND ADOPTED at Durango, Colorado, this 3rd day of August, 1995.

SOUTH DURANGO
SANITATION DISTRICT

(S E A L)

By *Fred Marshall*
President

ATTEST:

Cheryl Bellino
Secretary

**SOUTH DURANGO SANITATION DISTRICT
ERT SCHEDULE**

	DESCRIPTION	ERTS
(1)	Single family residential including townhomes, condominiums, mobile homes & ADUs	1 ERT/unit
	Single family residential including townhomes, condominiums, mobile homes & ADUs less than 700 sf	.75 ERT/unit
	Single family residential including townhomes, condominiums, mobile homes & ADUs less than 400 sf	.5 ERT/unit
	Multi-family residential (apartments)	1 ERT/unit
	Multi-family units of less than 700 sf	.75 ERT/unit
(2)	Hotels and motels	
	No restaurants or kitchens (.4 X number of rooms)	.4 ERT/room
	With kitchenettes not rented for a period in excess of two weeks	.55 ERT/room
	With restaurants	See below
	With non-public laundry	add .2 ERT/room
(3)	Restaurants and bar	
	Food service	
	Open 12 hours or less/day	.1 ERT/seat
	Open more than 12 hours/day	.2 ERT/seat
	Bar only	.05 ERT/seat
(4)	Schools and day care centers	To be determined
(5)	Service stations	
	No wash rack or maintenance bay	1 ERT
	With wash rack or maintenance bay (add 1.0/rack)	1 ERT/rack or bay
	Public sanitary dump station; automated car wash	to be negotiated

(6)	Shopping centers and stores	.35 ERT/1,000 sq. ft.
(7)	Travel trailer/camper park/transient	
	Full hookups	.4 ERT/space
	No sewer hookups, central showers	.1 ERT/space
	Non-public sanitary dump station	2 ERT/station
(8)	Laundry - coin operated or public including common facilities in apts	.5 ERT/wash mach.
(9)	Car wash	1ERT/bay
	Automated car wash	To be determined
(10)	Warehouses and offices	.35ERT/1,000 sq. ft.
(11)	Theaters (Drive In)	.02 ERT/space
(12)	Beauty and barber shops	.25ERT/wash station
(13)	Carry-out restaurant	To be determined
(14)	Butcher shops and locker plants	established by District
(15)	Churches	1 ERT
	with eating/banquet facilities	add .5 ERT
(16)	Automobile Dealership	.3 ERT/1,000 sq. ft.
	Includes wash bays for use by dealership. Public car washes will require additional ERTs	

The foregoing table shall serve as a **general guide** for establishing an ERT for a commercial use. When other data is available to determine actual flows, the District will analyze such information and establish an ERT which accurately represents the anticipated flows for a particular use. Any type of use not specifically listed shall not be permitted unless authorized by the District following a review of all pertinent information.

When determining the ERT number for any use, the following general guidelines will apply:

1. All persons desiring to obtain or required to obtain sewage treatment from the District shall make application for service on forms provided by the District. Failure to accurately describe the proposed use or furnish any requested information shall be cause for denial or suspension of service.
2. All users shall be charged a minimum of 1 ERT.
3. Seasonal use rates, for commercial establishments only, may be permitted by the District when non-use exceeds three months.
4. Whenever interpretation of the above table or data provided by an applicant for service could result in different ERTs, the higher ERT shall be charged.

From Sewer Use Resolution 95-4 with amendments approved by Board of Directors

RESOLUTION NO. 98- 3

A RESOLUTION AMENDING RESOLUTION NO. 95-4 CONCERNING SERVICE LINES

WHEREAS, the District has previously adopted a comprehensive Sewer Use Resolution, Resolution No. 95-4; and

WHEREAS, the Board of Directors has reviewed the requirements for shared service lines and determined that an amendment of the requirements for shared service lines would be in the best interest of the District and its customers.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That Section 5.6 of Resolution No. 95-4 is hereby amended to read as follows:

5.6 Shared service lines. A separate and independent service line shall be provided for each lot or parcel. The District shall have no maintenance responsibility for any service line, including shared service lines. More than one building or unit may be connected to the service line provided it is of adequate size to serve all connections. The portion of the line which serves more than one building or unit shall be known as a "shared service line". In the event the lot or parcel is later subdivided, each new lot or parcel shall have a separate service line.

2. That this amendment shall not in any way affect or alter the responsibility of the Owner to install and maintain service lines. Shared service lines shall not be considered a public sewer or sewer main.

ADOPTED this 15th day of January, 1998

SOUTH DURANGO SANITATION
DISTRICT

By _____

RESOLUTION NO. 96-3

A RESOLUTION AMENDING THE SOUTH DURANGO SANITATION DISTRICT'S SEWER USE RESOLUTION.

WHEREAS, the South Durango Sanitation District has adopted a comprehensive Sewer Use Resolution, Resolution No. 95-____; and

WHEREAS, the Sewer Use Resolution establishes an ERT schedule for various property uses within the District; and

WHEREAS, an application has been made for a sewer tap for a large automobile dealership for which the District has no specific ERT schedule; and

WHEREAS, the District's engineer and the Board of Directors have reviewed water use information on automobile dealerships to determine an appropriate ERT for such facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SOUTH DURANGO SANITATION DISTRICT, LA PLATA COUNTY, COLORADO:

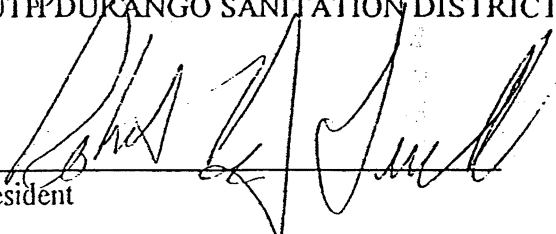
1. That the ERT schedule attached to the Sewer Use Resolution as Exhibit "A" is hereby amended with the addition of the following:

(16) Automobile Dealerships

.3 ERT per 1,000 square feet of covered floor space (Includes wash bays for use by the dealership. Public car washes will require additional ERTs)

ADOPTED this 11 day of July, 1996.

SOUTH DURANGO SANITATION DISTRICT

By 
President

ATTEST:

Cheryl Bellino
Secretary

RESOLUTION NO. 2000-3

A RESOLUTION AMENDING THE SOUTH DURANGO SANITATION DISTRICT SEWER USE RESOLUTION PERTAINING TO LATE PAYMENT PENALTIES AND INTEREST ON FEES AND CHARGES

WHEREAS, the Board of Directors of the South Durango Sanitation District (District) has previously adopted Resolution No. 95-4 establishing rules, regulations and fees for the District; and

WHEREAS, the State of Colorado has enacted new statutory provisions regulating delinquency charges by local governments at C.R.S. 29-1-1101 and 1102; and

WHEREAS, the Board of Directors of the District has determined that certain changes are necessary in its billing regulations in order to conform with statutory requirements.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SOUTH DURANGO SANITATION DISTRICT:

1. That Section 10.3 of the District's Sewer Use Resolution, Resolution No. 95-4, shall be amended to read as follows:

10.3 Billing. The District shall bill all users on a monthly basis. All bills shall be payable by the 20th of the month. Any charge not paid within 30 days of the billing date shall be charged a delinquency fee equal to 10% of the amount of the monthly charge or \$15.00, whichever is less. The District reserves the right to require installation of a water meter and establish a metered rate for sewer use.

2. Section 10.6 of Sewer Use Resolution No. 95-4 shall be amended to read as follows:

10.6 Collection. Any payment due to the District shall be a perpetual lien on the property to which the charge applies and shall be the personal responsibility of all owners of the property until paid. All delinquent amounts except monthly user fees shall bear interest at the rate of 1% per month until paid. Delinquent amounts may be collected by civil suit and/or foreclosure of the lien against the property and the owners. District shall be

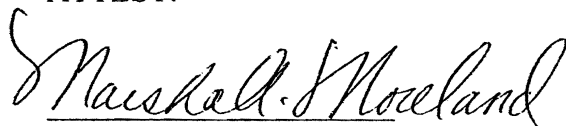
entitled to collect all reasonable costs of collection, including court costs and reasonable attorney fees.

3. These changes shall be effective January 1, 2000.

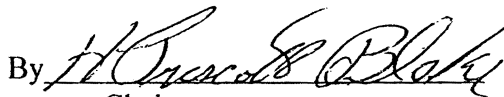
ADOPTED this ____ day of January, 2000.

SOUTH DURANGO SANITATION DISTRICT

ATTEST:



Secretary

By 
Chairman

2000-4
RESOLUTION NO. 99- 2000-4

A RESOLUTION OF THE SOUTH DURANGO SANITATION DISTRICT AMENDING SEWER USE RESOLUTION NO. 95-4 CONCERNING PAYMENT OF MONTHLY USER FEES

WHEREAS, the South Durango Sanitation District (District) has adopted Sewer Use Resolution No. 95-4 establishing rules, regulations and fees pertaining to the South Durango Sanitation District sewage collection and treatment system; and

WHEREAS, the District has historically commenced charges for sewer service in the month following payment of a Plant Investment Fee; and

WHEREAS, the existing Sewer Use Resolution requires clarification concerning when such fee shall be charged.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SOUTH DURANGO SANITATION DISTRICT:

1. Paragraph 10.1 Service Charge of the District's Sewer Use Resolution No. 95-4 is amended to read as follows:

10.1 Service Charge. Commencing on the billing date for the month following payment of a Plant Investment Fee, a monthly user fee shall be paid for each ERT. The monthly user fee shall be charged regardless of whether the connection has been made or whether the building sewer is being utilized, unless a seasonal rate has been permitted. Payment will be required for unoccupied dwellings, businesses shut down or temporarily idle, vacant mobile home spaces, and all other permitted ERTs. Failure to pay said user fee within 90 days will be grounds for revocation of the privilege to utilize the sewer system of the District and all PIFs paid will be subject to forfeiture.

2. The foregoing amendment shall be effective immediately.

ADOPTED this 20 day of January, ~~1999~~ 2000
MML

SOUTH DURANGO SANITATION DISTRICT

ATTEST:

Marshall Mordand
Secretary

By H. Prescott Blake
Chairman