

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, such costs including without limitation a reasonable contingency fund. All such fees and charges are based upon the cost of providing the service for which such fees and charges are made and have been determined by the Board of Directors to be necessary for the recovery of all such costs.

7-1-2 Liability. The fees and charges set forth in Appendix 3 are hereby imposed and assessed by the District for the purposes set forth in Section 7-1-1 and as more specifically set forth below. Such fees and charges are the personal, joint and several obligation of the owners of the property for which the applicable service is furnished, 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, any Plan Review, 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 Withholding Approvals, Acceptances and Permits. Notwithstanding any provision of these Rules and Regulations to the contrary, the District may withhold permits, approvals, acceptances, or other authorizations from any person until all sums then due to the District from such person are paid in full.

7-2 TAP FEES: For the purpose of enabling the District to defray all costs incurred in making service available through a Tap or service connection to the District System and to provide for capital improvements of the District System, there is hereby imposed a Tap Fee in the amounts set forth in Appendix 3 hereto, which shall be due and payable in full at the time application for a Tap Permit is made.

7-3 PLAN REVIEW FEES: Whenever any provision of these Rules and Regulations requires a check or review of plans and design by the District, the person liable therefor (“Submitter”) shall reimburse the actual costs incurred by the District for such check or

review. If requested by the District, the person requesting or needing the check or review of plans shall deposit an amount reasonably estimated by the District to cover the fee for such inspection or observation. Additional deposits may be required as needed based upon the District's estimate of actual costs, and the processing of plan review may be suspended until any required additional deposit is made. Any unused portion of the deposit will be held by the District and applied to Inspection and Observation Fees pursuant to section 7-4 below and/or Construction Observation Fees pursuant to section 7-16 below, for the same project, and any excess funds shall be refunded as provided in section 7-4 and/or 7-16 as the case may be. Nothing herein shall exempt any party from reimbursement under this Section 7-3 if the District proceeds with plan check or review without requiring an advance deposit. (6-6 PLAN REVIEW AND APPROVAL)

7-4 INSPECTION AND OBSERVATION FEES: Whenever any property is subject to an inspection or observation by the District, including but not limited to site visits resulting from variance applications, grease interceptor and sand trap installation and maintenance inspections, and any and all other inspections or observations expressly provided in these Rules and Regulations, the Property Owner shall reimburse the actual costs incurred by the District for such inspection or observation. If requested by the District, the person requesting or needing the inspection or observation shall deposit an amount reasonably estimated by the District to cover the fee for such inspection or observation. Additional deposits may be required as needed based upon the District's estimate of actual costs, and the processing of the inspection or observation may be suspended until any required additional deposit is made. Any unused portion of the deposit will be refunded within sixty (60) days after such inspection or observation is complete. Nothing herein shall exempt any party from reimbursement under this Section 7-4 if the District proceeds with inspection or observation without requiring an advance deposit. The following inspections and observations are expressly excepted from this Section 7-4: Construction Observation Fees which shall be determined and paid in accordance with Section 7-16 below. (Cross reference: 7-1-3 WITHHOLDING APPROVALS, ACCEPTANCES AND PERMITS)

7-5 INCLUSION FEES: Any person who petitions for inclusion of his property into the District pursuant to Section 32-1-401(1), C.R.S. and Article 4 of these Rules and Regulations shall pay the actual costs incurred by the District in processing the Petition for Inclusion, calculated in accordance with the rates set forth in Appendix 3 hereto, payable regardless whether the property is actually included. Petitioner shall deposit the sum set forth in Appendix 3 hereto for such costs when the Petition for Inclusion is filed. Additional deposits will be required as needed based upon the District's estimate of actual costs, and the processing of the Inclusion will be suspended until any required additional deposit is made. Any unused portion of the deposit will be refunded within sixty (60) days of the entry of the final order of inclusion by the Arapahoe County District Court. (Cross reference: 4-1-6 Costs Deposit)

- 7-6 SWIMMING POOL PERMIT FEES:** A Swimming Pool Permit Fee is assessed for discharging swimming pool filter effluent into the Sewer System. Such fees, the amount of which shall be determined in accordance with Appendix 3 hereto, shall be submitted with the initial application for a Swimming Pool Permit which shall, when completed and approved by the District, specify the times during which such discharge into the Sewer System may occur. Such fee includes all initial plan review, inspection, and consultation by the District's engineer or other official or agent, and also covers the cost of subsequent routine inspections of the permitted facilities. Such fee does not include non-routine inspection, field review, consultation, or responses to inquiries after the Permit is issued. By way of example, and not by way of limitation, such non-routine charges may arise in the event of an operations or maintenance problem, expansion, enlargement, and/or other changes to the facilities, request for a change or variance from District requirements, and/or any other matter which causes the District to incur costs in connection with the permitted facilities.
(Cross reference: 5-10 SWIMMING POOL PERMIT)
- 7-7 DISCONNECTION/RECONNECTION CHARGES:** Whenever any Sewer Service is physically disconnected or reconnected by the District for any reason, the Property Owner or any other person liable therefor shall reimburse the actual costs incurred by the District for such work.
- 7-8 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 incurred by the District for such undertaking.
(Cross reference: 3-4 CURE OF VIOLATIONS; 9B-4 CURE OF DEFECTS)
- 7-9 CIVIL FINES PASS THROUGH:** Any person who, by act or omission, causes the District to incur any fine or penalty assessment imposed by state, federal or other governmental authorities shall be fully liable to the District for the total amount of the fine so assessed, as well as any additional costs associated therewith.
- 7-10 INTEREST; 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, or the invoice itself contains a specific due date. The invoice shall be conclusively deemed presented to any person if personally served upon such person, or if mailed postage prepaid by first class mail addressed to such person in care of the Property Owner, at the service address or any other address for such person known to the District. Any amount so invoiced or otherwise due and payable will become

delinquent the day next following the due date specified on the invoice, or if no due date is specified, 30 days after presentation of the invoice and the full amount of any delinquent balance shall thereafter bear interest at the maximum rate permitted by law. Additionally, the District may impose a delinquency charge to the maximum extent permitted by law. Until paid, all rates, tolls, fees, charges, interest, penalties, and costs of collection shall constitute a perpetual lien on or against the property served.

- 7-11 MISCELLANEOUS COSTS AND EXPENSES:** All costs and expenses of service incident to the installation and connection of sewer service shall be the responsibility of the Property Owner. The Property Owner shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation of facilities and/or the provision of sewer services. Further, all costs and expenses incident to any request, petition or application to the District, and not otherwise addressed in these Rules and Regulations, shall be reimbursed to the District by the person making the request, petition, or application, upon receipt of the District's invoice.
- 7-12 SERVICE CHARGE:** An annual service charge shall be paid for each tap for which the District provides service. The service charge rate shall be fixed annually by the Board of Directors to meet the estimated revenue needs of the District in accordance with the annual budget, and shall be based upon a percentage of the wastewater treatment charges assessed by the City of Englewood. The service charge applicable to each tap served by the District shall be paid once annually, and collected by the City of Englewood at the same time as the wastewater treatment charge is collected.
- 7-13 BIG DRY CREEK INTERCEPTOR TRANSMISSION FEE:** A transmission charge shall be assessed against each Outside Connector to the Big Dry Creek Interceptor, based upon the actual budgeted and/or protected costs of operating, maintaining, repairing and replacing the Interceptor line, and upon such other related costs, including without limitation, a reasonable contingency fund. Said charge shall be determined by the Board of Directors as to each Outside Connector, and the District shall notify each Outside Connector in writing of the charges and the required payment arrangements. Failure to pay said charges when due shall be grounds for suspension or termination of of service and disconnection.
(Cross reference: 1-11 SERVICE OUTSIDE THE DISTRICT; 5-11-1 The Big Dry Creek Interceptor; 3-4 Suspension or Termination of Service)
- 7-14 VARIANCE FEE:** Whenever a variance from any provision of these Rules and Regulations is granted by the Board of Directors, a fee shall be assessed to defray the District's costs in processing such variance. Such fee, the amount of which shall be determined in accordance with Appendix 3 hereto, shall be paid at the time a variance is granted.

- 7-15 DEVELOPMENT FEE:** When the District extends a Main or makes System Improvements at District expense, each property connecting to such Main Extension or System Improvement, whether directly or by connection to an adjoining Main, shall be assessed, prior to connection and in addition to the Tap Fee, a percentage of the District's Actual Costs of such Main Extension or System Improvement. Such percentage shall be calculated by dividing the total square footage of the property seeking service by the total square footage of all the property connecting to or served by such Main Extension or System Improvement.
(Cross reference: 2-2 Actual Costs; 6-11 District System Improvements)
- 7-16 CONSTRUCTION OBSERVATION FEE:** Whenever any contractor performs construction work on new or existing parts of the District System, the District shall observe such construction from time to time for the purpose of checking to see that the work is going forward in accordance with District requirements. A fee shall be assessed for construction observation based on an estimate of the total man-hours to be spent in construction observation on the project, at the District Engineer's hourly rate then in effect for field personnel. Payment of the initial construction observation fee shall be considered a deposit, against which the actual billings by the District Engineer or other agent for the construction observation shall be charged. Additional deposits will be required as needed based upon the District's estimate of actual costs, and construction observation will be suspended until any required additional deposit is made. Any unused portion of the deposit will be refunded within sixty (60) days after the completion of the project and initial acceptance of the facilities by the District.
- 7-17 SPECIAL SERVICES FEES:** A Special Service Fee is assessed for any other special sewer services provided pursuant to any agreements between any party and the District. The amount of the Special Service Fees shall be determined by negotiation with the party requesting such special service.