

ARTICLE I  
RULES AND REGULATIONS  
OF  
BLUE MOUNTAIN WATER DISTRICT  
JEFFERSON COUNTY COLORADO

Originally Adopted June 8, 1978

These Rules and Regulations are subject to change, at any time, without notice, by action of the Board of Directors of the District.

***Bonnie L. Papke***

Secretary

**Revisions as of September 2021**

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## *SECTION 1: GENERAL - EXPLANATORY MATERIAL*

- 1.1 Scope. This regulation shall be treated and considered as a new and comprehensive regulation, governing the operations and functions of the Blue Mountain Water District, and shall supersede previous regulations of the District as contained in the minutes of the District, which are in conflict with the provisions hereof.
- 1.2 Policy and Purpose. It is hereby declared that the Rules and Regulations hereinafter set forth will serve a public use and are necessary to ensure and protect the health, safety, prosperity, security and general welfare of the inhabitants of the Blue Mountain Water District.
- 1.3 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows:
  - 1.3.1 "Accessory Dwelling Unit" is an additional dwelling designed for human occupancy that can either be added to an existing single-family detached dwelling or built as a separate accessory structure on the same lot as the primary dwelling.
  - 1.3.2 "Actual Cost" shall mean all direct costs applicable to the construction of a given transmission line, including construction, engineering, inspection, plan approval fees, etc., which have been paid by the line constructor.
  - 1.3.2 "Board" and "Board of Directors," as used herein, shall mean the governing body of the Blue Mountain Water District.
  - 1.3.3 "Construction Standards and Specifications" shall mean the Technical Specifications of the Blue Mountain Water District designated as Article II of these Rules and Regulations.
  - 1.3.4 "Contractor" shall mean any person, firm or corporation licensed by the District to perform work and to furnish materials therefor within the District.
  - 1.3.5 "Constructor" shall mean any person, corporation, partnership, association, public entity or firm desiring to construct an extension of or to the District's water distribution system.
  - 1.3.6 "Customer" shall mean any person, company, corporation, or public entity, authority or agency authorized to use water, or connect to a water main under a permit issued by the Board of Directors.
  - 1.3.7 "District" shall mean the Blue Mountain Water District.
  - 1.3.8 "Engineer" of the District is that person who qualifies as an engineer under the statutes of the State of Colorado and has been selected to act in such capacity by the Board of Directors. He shall have no authority to commit the District to any policy or course of action without express approval of the Board.
  - 1.3.9 "Habitable Space" shall mean any space in an accessory building with a connection to water and a wastewater system.
  - 1.3.10 "Inspector" shall mean the person or persons duly authorized by the District to enforce these Rules and Regulations.

- 1.3.11 "Licensed Plumber" or "Pipe Layer" shall mean a "master plumber" who has been licensed by the duly authorized authority.
- 1.3.12 "Permit" shall mean written permission of the Board of Directors to connect to a water main of the District pursuant to the Rules and Regulations of the District.
- 1.3.13 "Person" shall refer either to the singular or plural and shall include an individual, firm, partnership or corporation.
- 1.3.14 "Public Entity" shall be the state, county, city and county, incorporated city or town, school district, special improvement district, and every other kind of district, agency instrumentality, or political subdivision of the state organized pursuant to law.
- 1.3.15 "Service Line" shall mean the pipe, line or conduit from the water main to an individual house or other non-habitable structure.
- 1.3.16 "Stub-in" shall mean the connection of the service line to the water main.
- 1.3.17 "Tap" or "Connection" shall mean the connection of the service line to the structure, which it is to serve.
- 1.3.18 "User" shall mean any person to whom water service is served, be it renter, record owner, corporation, company, individual, public entity, etc.
- 1.3.19 "Water Main" shall mean any water pipe, line or portion thereof, owned by the District.
- 1.3.20 "Water Tap" shall mean the act of connecting a service line to a water main.
- 1.3.21 ANY OTHER TERM not herein defined shall be defined as present in the "Glossary - Water and Sewage Control Engineering", A.P.H.A., A.W.W.A., A.S.C.E., and F.U.S.A., latest editions.

## SECTION 2: OWNERSHIP AND OPERATION OF FACILITIES

- 2.1 Policy. The District allows for the distribution of water to one single-family residence per lot for domestic use to customers within the District, and the maintenance, repair and replacement of all mains, hydrants, valves, and service facilities owned by the District, but shall not be liable or responsible for inadequate pressure or interruption of service brought about by circumstances beyond its control.
- 2.2 Liability. It is expressly stipulated that no claim for damage shall be made against the District by reason of the following: breaking of any service or supply line, pipe, cock, or meter by any employee of the District; failure of the water supply; shutting off or turning on water in the water mains; the making of connections or extensions; damage caused by water running or escaping from open or defective faucets; burst service pipes or other facilities not owned by the District; damage to water heaters, boilers, or other appliances resulting from shutting water off, or for turning it on, or from inadequate or sporadic pressures; or for doing anything to the water system of the District deemed necessary by the Board of Directors or its agents. The District hereby reserves the right to cut off the water supply at any time, for any reason deemed appropriate.

- 2.2.1 Notwithstanding the above liability provisions, all liability actions concerning the District shall be in conformance with C.R.S. 130-11-1, commonly called the Colorado Governmental Immunity Act.
- 2.3 Powers and Authority of Inspectors. Any duly authorized employees or contractors of the District, bearing proper credentials and identification, shall be permitted to enter upon all properties, at reasonable times, for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of these Rules and Regulations.
- 2.4 Service Lines. The District assumes no responsibility for the cost of repairing defective service lines.
- 2.5 Defective Meters. It shall be the duty of all customers to notify the District office if their water meters are operating defectively. The District will repair defective meters at the District's expense. Meters that have been damaged or tampered with will be repaired at the expense of the customer. The District assumes no responsibility for the cost of water as shown by defective meters, or for any cost or expense relating to or caused by malfunctioning water meters. Controversies concerning such items of cost and expense shall be resolved between the customer and the District.

### SECTION 3: USE OF PUBLIC WATER SYSTEM

- 3.1 Permit. No unauthorized person shall uncover, make any connection with, any opening into, use of, alternation to, or disturb any public water main or appurtenances, without first obtaining written authority from the District.
  - 3.1.1 It shall be unlawful for any person other than personnel authorized by the District to have in their possession a hydrant wrench or valve shut-off key, and any police officer or personnel of the District or Fire Department are hereby authorized to file a sworn complaint with the County Court, requesting that a summons issue, and a warrant be requested for the arrest of such person in unlawful possession of a hydrant wrench or valve shut-off key. The penalty for said violation shall be as determined by law.
- 3.2 Responsibility of the Customer. Each customer shall be responsible for maintaining the entire length of his/her water service line. Leaks or breaks in the service lines shall be repaired by the property owner in a timely manner. If satisfactory progress toward repairing the leak has not been accomplished within a reasonable time, the Inspector shall shut off the service until the leaks or breaks have been repaired.
  - 3.2.1 It shall be the duty of all those connected with the water system to keep advised of varying pressures and conditions of service so as to properly protect their persons and property from injury by water furnished through the District's facilities. They shall also take note that there is no wasteway in the shut off at the curb box, nor at the main, and that any water standing in the pipes when water is turned off at the meter shut off or main will remain there unless drained out by means of a stop or waste valve. Employees of the District are expressly forbidden from manipulating the stop and waste valve, or from doing any other plumbing work whatsoever. It is expressly stipulated that the District will assume that every property is equipped with a stop and waste valve, and failure of the property owner to so equip his/her property will, under no

circumstances, alter the liability of the District. All persons having boilers or other appliances in their premises depending on pressure or water in pipes, or on a continual supply of water, for proper functioning, shall provide, at their own expense, suitable safety appliances to protect themselves and their property against a stoppage of water supply or loss of pressure.

- 3.3 Protection from Damage. No unauthorized person shall maliciously, willfully, or negligently, break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is part of the water works, including fire hydrants. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- 3.3.1 Any person violating any of the provisions of these Rules and Regulations shall become liable to the Board for any expense, loss or damage occasioned by reason of such violation.
- 3.4 Limitation of Water Usage. The District shall reserve the right to critically review all proposed water uses and users as to their overall effect on the District's collection, distribution and storage system. In general, all high-volume water users shall be required to take special measures to lessen and/or limit their demands. Specifically, at the discretion of the Board, after review of the projected demands and meter requests, holding tanks, recirculation facilities, etc. may be required to reduce the demands on the system.
- 3.4.1 Restricted Uses
  - 3.4.1.1 District water is for residential use only. Such use is for support of one single-family residence per tap. Outside use of water is permitted for limited watering of plants and animals only.
  - 3.4.1.2 Permanently installed irrigation sprinkler systems may not be connected to the water system or use any water supplied by the water system.
  - 3.4.1.3 No fountains, ponds, or water features of any kind may be filled with District water.
  - 3.4.1.4 Washing of vehicles is not allowed with water from the water system.
  - 3.4.1.5 Swimming pools and hot tubs of more than 1,000 gallons capacity may not be filled with water from the water system.
  - 3.4.1.6 The district cannot support flows required for fire suppression systems.
  - 3.4.1.7 District water is not permitted to be used for business use, including providing short-term rentals of all or part of a home for less than one year, or use of a fractional ownership of a single residence.
  - 3.4.1.8 No Accessory Dwelling Units may be serviced with District water, even if approved by Jefferson County.
  - 3.4.1.9 Except for the primary serviceable residence, no secondary dwellings, or any structure with habitable space of a permanent or temporary nature may be serviced with District water.

#### SECTION 4: SERVICE AND CHARGES

- 4.1 Inclusions. Water service will typically be furnished only to persons whose property is included in the District, and who have agreed to abide by the Rules, Regulations, and rates promulgated

by the District. Use of District water constitutes a formal agreement to abide by the District's Rules and Regulations.

- 4.1.1 It shall be incumbent upon the applicant, who was not previously listed as a customer, to furnish satisfactory evidence of inclusion whenever the District requests such evidence. Satisfactory evidence shall consist of tax receipt, or certificate in lieu thereof, issued by, and signed by, the County Treasurer.
- 4.1.2 A person owning land within or without the exterior boundaries of the District, who desires service, must include all of his/her land contiguous to the parcel upon which service is desired into the District, unless the District permits otherwise.
- 4.2 Service Outside the District. The Board may, if it seems advantageous to the District, furnish water service to properties located outside the boundaries of the District, but, under no circumstances, shall the District construct any water mains, at its own expense, to serve such properties.
  - 4.2.1 A formal request for service outside District boundaries shall be made to the District on its standard form by the applicant, accompanied by a nonrefundable payment (see Exhibit A) for legal fees and the estimated costs of publication. Additional costs which may occur shall be paid prior to approval from the Board.
  - 4.2.2 Charges for furnishing water service outside the District shall be at the discretion of the Board of Directors, but no service shall be furnished to properties outside of the District unless the charge therefor is at least equivalent to the cost of such service for which such property would be responsible if it were a part of the District.
  - 4.2.3 These Rules and Regulations shall be applicable to all property owners outside the District who are furnished water by the District, and no connection to the District's water mains shall be permitted until the property owner shall have agreed in writing to abide by the Rules and Regulations; provided, however, that the Board of Directors, in its discretion, may charge a higher connection fee and inspection fee for properties not located within the District.
  - 4.2.4 In every case where the District furnishes water service to properties outside the District, the District reserves the right to discontinue the service when, in the judgment of the Board of Directors, it is for the best interest of the District to do so, and such service shall be considered a revocable license.
- 4.3 Application for Service. Application for service must be filed with the District, on the District's standard form, and be accompanied by appropriate fees prior to action by the Board.
- 4.4 Cancellation of Application. The District reserves the right to revoke any application previously granted, before service has been provided. Application for water service does not bind the applicant to "use the service." Such applications shall be retained along with fees paid, by the District, for a period of twelve (12) months. If the applicant has not then requested service, the Board, at its discretion, may cancel the application and refund fees paid, minus costs, without interest.
- 4.5 Denial of Application. The District reserves the right to deny application for service on any of the following grounds:

- 4.5.1 That connection of the system to applicant's existing plumbing would constitute a cross-connection to an unsafe water supply; or
- 4.5.2 That the service applied for would create an excessive seasonal, or other, demand on the facilities; or
- 4.5.3 For misrepresentation in the application as to the property and fixtures contained in the property, or the use to be made of the water supply; or
- 4.5.4 That, in the judgment of the Board, service to the property is not reasonably feasible based upon engineering and economic considerations.
- 4.6 Change in Customer's Equipment or Service. Prior to making any change in water service or meter installation, a customer shall file an amended application with the District, at least thirty (30) days prior to making the proposed change.
  - 4.6.1 No change in the customer's equipment or service shall be made without the prior approval of the District being first obtained in writing.
- 4.7 Types of Service. Water service shall be metered by the District.
- 4.8 Rates and Charges. See Exhibit A. The Board may change the fee schedule at any time, without notice.
- 4.9 Discontinuation Fee. If services are discontinued at the request of the customer, or due to delinquency, unauthorized, excessive, or restricted use, a "turn off" fee (see Exhibit A) will be assessed. When service is resumed to a customer whose service has been discontinued, a "turn on" fee of (see Exhibit A) will be charged. During any period of discontinued service, the customer will be responsible for all regular Water Service Charges and other fees.
- 4.10 Unauthorized Turn On. It shall be unlawful for any person other than employees or officials of the District to turn on water service. The District may institute appropriate legal proceedings in Court, should such violation occur.
- 4.11 Billing. For schedule of rates and charges see Exhibit A. Deposits, charges for late payments, returned checks, etc., shall be added to the bill.
  - 4.11.1 Bills will be mailed or sent via electronic bill for each billing period and shall be payable by the due date on the statement. All water bills, which are not paid within thirty (30) days from the due date appearing on the statement, shall be delinquent. 1.80 % per month will be charged on all delinquent accounts. See Exhibit A.
  - 4.11.2 When such statements are not paid within sixty (60) days of the due date appearing on the statement they shall be declared "overdue" and a shut off notice shall be mailed by first class mail and certified letter, advising that payment must be made within ten (10) days, or service will be discontinued. If payment is not made within the specified period of time, the designated representative of the District shall be instructed to "turn off" the water service. See Exhibit A.
  - 4.11.3 Until paid, all rates, tolls, fees and charges shall constitute a first and perpetual lien on and against the property served, and any such lien may be foreclosed in the manner provided by the statute under which the District was formed.

- 4.11.4 Vendor and Vendee's Responsibility. The District assumes no responsibility for agreements between vendors and vendees. It shall be the responsibility of the vendee to ascertain whether tap and service charges have been paid by the vendor. Regardless of ownership, or of the failure of the District to collect tap or service charges, or any other act or omission of the District unpaid tap and service charges shall constitute a first and perpetual lien on and against the property, which lien may be foreclosed as is provided in Paragraph 4.11.3.
- 4.12 Liability for Payment. The property, the property owner, and the occupant are hereby deemed equally liable for charges of the District. The District assumes no responsibility hereby for any agreements made between landlords and tenants, regardless of how made, or of the District having been notified of such agreements. The District will hold the water user, occupant, and property owner jointly liable for all charges appurtenant to water service.
- 4.13 Meter Readings. Any special meter readings within the District will be charged to the owner of the property at which the meter is located. The District shall charge a fee (see Exhibit A) for any final meter reading.
- 4.14 Water Tap Fee. A tap fee (right to connect) shall be charged by the District for each connection to the public water system and shall be paid by the applicant, per the schedule in Exhibit B prior to the issuance of a permit to tap into District facilities. Until changed by appropriate resolution of the Board, tap fees in the District shall be assessed according to Exhibit B.
- 4.15 Transferability of Taps. A property description or address must be given at time of a tap purchase. However, if prior to connection the owner wishes to transfer a tap to a different lot within the district, also held in that owner's name, it may be done upon Board approval.
- 4.16 Water Connection Charge. In addition to the tap fee, any applicant for service shall pay, prior to the issuance of a permit to tap into District facilities, the cost of any meter, meter pit/cover, stub in, or curb stop, etc., including installation costs, required to provide service to the property. Charges will be in accordance with Exhibit B.
- 4.17 Water Use Charges.
- 4.17.1 Water Fees and Service Charges. From and after the adoption of these Rules and Regulations all rates, fees, and charges to be established within the District shall be established from time to time by formal resolutions of the Board, adopted at a regularly constituted meeting or meetings of the District.
- 4.17.2 Water Service Charge Rate. There shall be one bill for each District meter. Water service charges shall be billed according to Exhibit A.
- 4.18 Water Standby Charges. Any persons or property owners who have paid a Water Tap Fee or fees, whose property lies within 100 feet of a pressurized main and who are not paying a user's Water Service Charge assigned to that Water Tap Fee Permit will be liable for Water Standby Charges in accordance to Exhibit A.
- 4.18.1 A water tap will switch from standby to active fees after its first 5,000 gallons of water use. The first active-status water bill will include all prior water consumption.

## SECTION 5: CONSTRUCTION OF SERVICE LINES

- 5.1 Licenses. Construction of all service lines shall be done by "master plumbers" in accordance with the Technical Plumbing Code of the State of Colorado.
- 5.2 Number of Lines Required. A separate and independent water service line and water meter shall be provided for every residence unless determined otherwise by the Board upon request of the applicant for service.
- 5.3 Existing Lines. Existing water lines may be used in connection with new buildings only when found, on examination by the designated representative of the District, to meet all requirements of these Rules and Regulations.
- 5.4 Type Water Lines. The water service line shall be of soft, Type K copper or high-density polyethylene as approved by the District. Fittings shall be brass, copper alloy, "McDonnel Compression Flare System," "Brass Flare Insert System" (Part Number 4670 for 3/4) or "Brass Insert Adapter" fittings. All construction shall be done by licensed contractors. Connections shall be done by licensed contractors. Connections shall be by "flared" methods. Except upon written consent of the District, no service line may be more than two-hundred (200) feet in length from the property line to a point of connection to the structure.
- 5.5 Laying of Line. The water service shall be brought to the building at a minimum elevation of six (6) feet of cover. No service shall be laid parallel to, or within three (3) feet of any bearing wall which may be thereby weakened. The water service shall be laid at uniform grade, and in straight alignment. All excavations required for the installation of water service shall be open-trench work, unless otherwise approved by a designated representative of the Board. Pipe laying and backfill shall be performed in accordance with the Board's standard specifications. The applicant for the building water service permit shall notify the designated representative of the Board when the service is ready for inspection, approval and connection to the District water main. Bonded plumbers or pipe layers, under the designated Board representative's supervision, shall make the house connection, but plumbing work contracted for by a licensed plumber may be performed by him/her through journeymen plumbers or apprentices under his/her direct supervision. Only the District's contractor shall make the connection to the District's water main.
- 5.6 Contractor and Plumber Requirements.
  - 5.6.1 Contractors and plumbers doing work in the District shall carry insurance in favor of the District in the amount of \$1,000,000 personal liability, and \$1,000,000 property damage. Certificates of insurance shall be filed with the Board prior to any work being started.
  - 5.6.2 The contractor shall also file with the Board a letter from the County Commissioners, authorizing him to work in the County streets and roads.
  - 5.6.3 All contractors, plumbers and others doing work on any water main, service lines, or structures in the District, shall comply with the applicable County or State Highway Department regulations on excavation, backfill, compaction and restoration of surfacing.
  - 5.6.4 Workmen's Compensation Insurance shall be carried in accordance with the provisions of the Workmen's Compensation Act, as amended, of the State of Colorado.

- 5.6.5 All contractors, plumbers and others doing any work in the District shall comply with the Occupational Safety and Health Administration (OSHA) regulations and any other State of Colorado safety requirements.
- 5.6.6 All construction work and materials shall meet the standards and specifications of the District and the County.
- 5.6.7 All permits, fees and licenses shall be obtained and paid for by the contractor, plumber or others doing work in the District, prior to the start of construction.
- 5.6.8 All excavations for water service installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public or private property disturbed in the course of the work shall be restored in a manner satisfactory to the designated Board representative.
- 5.6.9 All daily inspection fees on construction required by the County, the District, or the State Highway Department shall be paid by the plumber, contractor or others doing work for the District.
- 5.6.10 It will be the sole responsibility of the contractor or plumber to contact Century Link, Excel Energy and/or United Power or any other relevant entity regarding buried cables, lines, gas mains or service lines, or other utilities.
- 5.6.11 Road cuts or uncovering a water main will not be permitted between the first of October and the first of May. Accessing the main outside of the allowed period may be allowed as a special exception at the discretion of the Board.
- 5.7 Authority to Make Taps. The designated representative of the District is the sole individual authorized to make taps onto the District water mains.

#### SECTION 6: WATER LINE EXTENSIONS

- 6.1 No extension of District Lines will be permitted without express written consent of the Blue Mountain Water District Board of Directors, and in accordance with the design specifications outlined herein.
- 6.1.1 Each landowner, subdivider, or developer who desires water service will, in consultation with and approval of the District, plat and grant to the District appropriate easements and rights-of-way in which to construct the same where such facilities be required to cross land not being subdivided, or under the subdivider's control for granting of public right-of-way. Minimum easement widths to be thirty (30) feet.

#### SECTION 7: SEVERABILITY

- 7.1 General. If any section, subsection, paragraph, clause or other provision of these Rules and Regulations shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision, shall not affect any of the remaining provisions.

EXHIBIT A

Reference

4.8 This schedule of rates and charges may be changed by the Board, at any time, without notice.

4.2.1 Inclusion Application Fee As Incurred

4.9 Discontinuation Fees

Turn off \$ 70.00

Turn on \$ 70.00

4.11 Late Fees - Assessed 30 days after payment due date on billing statement

Administrative charge \$ 25.00

Plus 1.80% Interest on balance due

Shut off notification mailed by first class mail and certified letter issued 60 days after due date

Administrative charge \$ 25.00

4.12 Returned check Fee \$ 25.00

4.13 Transfer or Final meter reading Fee \$150.00

4.17.2 Water Service Charges based on 4 months cycle

(Feb. - May, June - Sept., Oct. - Jan.) Rates effective February 1, 2020

Tier	Gallons Used	Usage Rate (\$/1000 gal)
	Base rate	\$150.00
1	0 to 15,000	\$ 8.00
2	15,001 to 30,000	\$ 20.00
3	30,001 plus	\$ 100.00

4.18 Water Standby Charges per billing cycle \$80.00

EXHIBIT B

Reference

4.14 Residential Tap Fee - effective Oct. 1, 2021 \$28,000.00

The Board, may change this schedule of Tap Fees at any time, without notice.

4.16 Water Connection Charge As Incurred

Fee payable prior to time of connection for service tap, corporation cock, curb valve and box, service line inspection, and water meter deposit.