



ARTICLE XI

Rates, Charges, and Billings

11.00 General. The information contained in this Article is pertinent to rates and charges levied for the provision of District water services. Said rates and charges as established herein, and attached as Appendix A are in existence and effect at this time.

The District's Board may modify rates and charges without prior notice.

11.01 Application for Service. The District shall require each new applicant for water service to provide a fully completed application form. A new applicant shall be any person or firm who applies for water service and has not provided a complete application form within the previous twelve (12) months.

All application for service shall be made in the true name of the person to be responsible for payment of charges for service rendered. Incomplete application for service or falsified information may be grounds for the District to refuse service. Outstanding delinquent charges or fees of any sort owing to the District at the time of any transfer of ownership of any property receiving water service, or at the time of requested transfer of responsibility for payment of water service, for example, a change in tenants, must be paid in full by the landowner before service will be initiated to or continued at such property.

The District reserves the right to refuse an applicant service at a new or different premise if the applicant has outstanding delinquent charges owing to the District. In the event a customer is receiving water service and the District becomes aware of customer owing delinquent charges as a result of having received water service at any other property served by the District, the District may discontinue water service to customer after serving reasonable notice of proposed service interruption unless the delinquent charges are paid in full.

If water service is discontinued due to delinquency, service shall not be reinstated until the account balance and applicable service charges have been paid in full. If a current Application for Service is not already on file with the District the customer will be required to provide one before service is resumed.

All checks tendered in payment of a delinquent account which are returned "not paid" shall be reason for discontinuance of water service after the District has made a reasonable effort to advise the customer of the unpaid check.

11.02 Purchasing and Leasing. It is the responsibility of the purchaser of property to ascertain that the water account is paid to the date of sale. Property owners who lease or rent a premise to a tenant, and who intend to have the tenant pay for water service, shall ascertain whether the water account has been paid to date when a tenant vacates the premise. Delinquent bills are the responsibility of the property owner and must be paid



before service can be restored to the property. The District may file a lien against the property outstanding charges and costs of filing. The property owner shall be notified whenever possible, of the District's intent to file a lien and shall be notified when a lien is filed.

Property owners whose tenants pay for water service are eligible to list themselves on the District Third Party Notification system in order to be kept apprized of delinquency or service related problems.

11.03 Monthly Bills. All customers must pay the minimum monthly service fee applicable to the type of water service either being provided to or as requested by customers, as such minimums are set forth in the rate codes of the District, as adopted from time to time by the board, as authorized by Colorado law including Title 32, Article 1, section 1001, C.R.S. All accounts are payable at the District's office. Any account not paid in full by the 25th of each month in which the billing is sent shall be deemed delinquent.

A delinquency penalty consisting of ten (10%) percent of the unpaid balance will be added to delinquent accounts on the 26th of each month. All payments received by the District shall be first applied to penalties, then accrued and unpaid interest, then to the past-due amounts owing for water service and lastly to current water charges.

Metered water service shall be billed on a monthly cycle basis and the amount shall represent the difference in meter readings in one thousand (1,000) gallon units. The term "month" for billing purposes means the period between any two consecutive regular readings by the District of meter(s) at the customer's property and such readings are to be taken as nearly as may be practicable every thirty (30) days.

Should the District be unable to read the meter or meters because of inclement weather conditions, or for any other reason, the District Manager or his designated representative may authorize the estimation of meter readings. The basis for estimation will be the customer's consumption experience during the most recent like billing period. Example: December, current year, vs. December, prior year. If the next reading shows that the bill for the amount of water delivered since the previous meter reading is not equal to as much as the minimum charge for each month that has passed since the previous meter reading, then the customer shall pay the minimum charge for each month since the last regular reading.

Failure to receive a bill in no way exempts the customer from payment for service rendered. The District will mail to the customer, at the service address shown on the application, or to another mailing address designated by the customer, a bill for water delivered, and it shall be conclusively presumed that the customer received said bill by mail within forty-eight (48) hours after the bill was mailed.

If a meter is found to be not registering, the charges for service shall be at the minimum rate or based on the estimated consumption from previous consumption for a comparable period or by such other reasonable method as is determined by the Board and its decision shall be final.



Accounts which are forty (40) days delinquent shall receive a notice of discontinuance, and water service shall be shut off on the date specified in the notice unless the account balance is paid in full on or before the date and time specified. At least ten (10) days shall elapse between issuance of notice of discontinuance and discontinuation of water service. Water service which has been discontinued for delinquency shall not be reinstated until the account balance has been paid in full plus reconnection charges.

If the District incurs expenses to either shut off or turn on the water service respecting any delinquent account, those costs shall be borne by the customer.

11.04 Payment for Services Rendered. All accounts must be paid in United States dollars, whether by cash, check, draft, or money order. Accounts paid by check or draft are subject to collection prior to the final credit to the customer's account. Accounts paid by check or draft which is returned to the District marked "NOT PAID," "ACCOUNT CLOSED," "INSUFFICIENT FUNDS," etc., are subject to discontinuance of service, upon reasonable notice to the customer by the District. A service charge is applicable for processing returned checks. The District may refuse to accept payment by check or draft from a customer having a history of three (3) returned checks within the prior twelve (12) months.

11.05 Service Charges. Customer accounts are subject to service charges as compensation to the District for its cost to provide the various services described herein.

A. Turn-on Non-Payment. A fee sufficient to reimburse the District for the costs of labor, materials and transportation incurred shall be paid by the customer, regardless of Zone, whose service has been discontinued for nonpayment and who requests reinstatement of water service during regular business hours. If the customer's request results in after-hours call-out, overtime, and other costs incurred by the District shall be borne by the customer.

B. Repair or Reinstallation of Damaged Meter Should the District incur costs to reinstall a meter as a result of tampering or damage to locking devices, etc., such costs shall be paid by the customer prior to reinstatement of water service.

C. Check Processing. Customers who issue a check to the District which is not paid by the bank upon which it is drawn and returned unpaid to the District shall pay a fee of Twenty (\$20.00) Dollars.

D. Field Collection. A fee of Ten Dollars (\$10.00) shall be paid by any customer in Zone 1 and a fee of Twenty Dollars (\$20.00) shall be paid by any customer in Zone 2 whose delinquent account balance is collected at any location other than the District office.



E. Customer Service Requests.

- (1) Normal Hours Service Requests: Patron requests for on-site service at the patron's home or business, that is, the location to which water service is being provided, which customer service is to be provided during normal District business hours of operation, shall result in a charge of \$20.00 for each such request made in excess of one per month. There will be no charge for the first service charge to a single site each month; more than one service call to a single site during any month will be charged.
- (2) After Hours Service Requests: Patron requests for on-site service at the patron's home or business, i.e., the location to which water service is being provided, which customer service is provided outside the normal District business hours of operation, shall result in a charge of \$40.00 for each such request.
- (3) Waiver of Service Fee if Shut-Off Valve Installed: There shall be no service fee charged for District responses to Normal Hour Service Requests provided the site to which the District is responding is equipped with a functioning main water shut off valve in the primary service line which, when closed, prevents all water from flowing from the main to the patron's home, office or the like.

11.06 After Hours Service Request. If a customer requests service on other than regular work days (Monday through Friday) or outside of regular work hours (8:00 A.M. through 4:30 P.M.) which results in a "Call-Out" of a District representative, and it is determined that the emergency is on a customer's property (i.e. a leak, break or other problem on the customer's side of the meter) a fee sufficient to reimburse the District for the costs of labor, materials and transportation incurred shall be paid by the customer.

11.07 Delinquent Accounts:

- A. Delinquent Accounts. Any charge by the District is delinquent if not paid in full by the 25th day of the month in which billed, or if applicable, by the date specified in a written agreement between the District and the patron.
- B. Interest on Past Due Accounts. All due and unpaid charges of the District except delinquency penalties shall bear interest at the rate of one (1%) percent per month from the date the charge becomes due.



11.07 Delinquent Accounts (Cont'd):

- C. Charges. "Charges" include any and all sums owing from any patron to the District, including but not limited to fees for water service, main installation, connection fees (tap fees), disconnection fees, reconnection fees, returned check charges and penalties, and all the District's reasonable cost of collections of the delinquent account, including all attorney fees and legal expenses.
- D. Collection.
- (1) Delinquent accounts may be collected by one or more of the following methods.
 - (a) Until paid, all fees, rates, tolls, penalties, or charges shall constitute a perpetual lien on and against the property served by the District and any such lien may be foreclosed in the same manner as provided by Colorado Law for the foreclosure of mechanic's liens.
 - (b) The water will be turned OFF when the account is fifty (50) days delinquent.
 - (c) For accounts which are at least six months delinquent, the District may utilize the services of the Pueblo County Treasurer in accordance with Title 32, Article 1, Section 1101 (1)(e), Colorado Revised Statutes, 1989, as amended.
 - (d) The District's Board may declare a water tap forfeited if the account is one year past due, in accord with the following:
 - i. Twelve months delinquent - the property owner will be notified by regular mail and certified mail that the tap will be forfeited if the account is not paid in full within thirty days of the date of mailing the letter.
 - ii. If the account is not paid in full within the thirty day period, the tap shall be deemed forfeited.
 - iii. A second letter (regular and certified mail) shall be sent to the property owner advising the tap forfeited.
 - iv. The corporation stop shall be closed, and the frost proof cover removed. The meter pit shall be covered.



D. Collection (Cont'd).

- v. The water tap is redeemable during the first two years following the date of forfeiture. If any portion of the delinquent amount, including all unpaid charges, fees, penalties and interest, remains unpaid at the end of two years the meter setting shall be totally removed.
- vi. Should the property owner require water service at the location in the future, the owner shall apply for a tap under the same procedures then in effect as applicable to anyone else seeking new water service from the District.