

SECTION 10.00
WATER SYSTEM EXTENSION

10.01 General Statement: The Board shall make or cause to be made such extension, or replacements, to the water transmission and distribution system of the Board as it deems necessary and feasible to serve any property situated within or outside the boundaries of the City of Pueblo. The Board shall assume all the cost of replacing existing undersized and/or deteriorated Board water mains, which the Board deems have served their useful purpose. The purpose of the provisions contained herein is to provide sound engineering and long-range planning in the extension of the water system, promote the orderly development of the water system, and provide equitable distribution of the cost of extending the water system.

10.02 Definitions:

A. Customer Classifications for Water Main Extensions:

1. ***Developer/Customer*** means an applicant for extension of facilities to supply domestic, commercial, industrial, or fire protection water service to property comprised of a platted subdivision, group(s) of platted or re-subdivided lots, a land tract, etc., upon which more than one residential, commercial, or - industrial establishment is being, or is to be, erected.
2. ***Single Customer*** means an applicant for extension of facilities to supply domestic, commercial, industrial, or fire protection water service for one lot or building site, for a single family dwelling, multiple family dwelling, commercial or industrial building, or other establishment, whether existing or to be erected.
3. ***Applicant*** means either a developer/customer, or single customer, or both.

B. Distribution Mains: Water mains to which individual customer water service lines may be connected and service taken directly therefrom. Unless otherwise designated by the Board, these mains are sixteen-inch (16") and smaller.

1. **Approach Main:** A distribution main which brings water service to the perimeter of an applicant's property. This includes any necessary extension of the main across roadways abutting the property.
2. **Border Main:** A distribution main which abuts the perimeter of an applicant's property.
3. **On-Site Main:** A distribution main which provides water service within the perimeter of an applicant's property.

- C. Transmission Mains:** Water mains which are used exclusively for the transmission of water and not for distribution to individual customers. Unless otherwise designated by the Board, these mains are twenty-inch (20") and larger.
- D. Frontage:** The side or sides of the property along which a Board main is proposed or located. Such location(s) shall be determined by the requirements of the Board's Master Plan for the water distribution system, hereafter called "Master Plan." The Board shall have the sole discretion in determining the frontage(s) which shall serve as the basis for apportioning the cost of a water main extension.
- E. Deposit:** Payment of a cash deposit for a Board installed water main extension is required prior to start of construction. In lieu of a cash deposit for the entire amount due prior to beginning the installation, the applicant may make a cash deposit in an amount equal to 25 percent (25%) of the entire amount due and provide a guarantee of payment of the remaining 75 percent (75%) due. This guarantee shall be a certified letter from a bank stating that said monies are being held in escrow and are available for payment to the Board upon completion of the main installation. Said guarantee of payment is to be acceptable as to form and procedure by the Board's attorney and Customer Service Manager. The Board reserves the right to require, in advance, up to 100 percent (100%) of entire amount due.
- F. Unit Cost:** The anticipated average installation cost per linear foot of water main. This cost is reviewed periodically and approved by the Board. The average shall be based on the footage of six-inch (6") through sixteen-inch (16") water main installed in the Board's system during the most recent five-year period. Water main replacements shall be excluded from the computations. To establish the unit cost, current Board labor, material, and equipment costs are applied. (See Appendix F.) The actual cost of roadway or railroad bores or casing installations, traffic control/barricading, and asphalt, concrete (street, curb and gutter, pans, flowable fill, etc.), gravel surface replacement, and City of Pueblo fees shall be paid by the applicant in addition to water main installation costs computed under the *unit cost* system. Material for six-inch (6") and larger taps for connections to existing mains shall be included in the normal material covered under the unit cost calculations with no additional allowance. The Board will make these taps at no cost. Full tap fees will apply for taps to serve individual customer water service lines regardless of size.
- G. Basic Cost:** The total linear footage of distribution mains installed multiplied by the unit cost, plus cost of roadway or railroad bores or casing installations, traffic control/barricading, and asphalt, concrete (street, curb and gutter, pans, etc.), gravel surface replacement, and City of Pueblo fees, if any.
- H. Pro Rata Charge/Water Main Assessment:** An assessment per front foot of property to which water service is made available by a water main extension. The front foot assessment is determined by dividing the water main extension cost by the front footages deemed benefited.

- I. Private Main and/or Service Line:** Water main or service line contracted for or installed directly by the applicant or property owner(s) in lieu of a Board water main of standard and approved size, materials, and locations. The Board accepts no responsibility for maintenance or replacement of a private main or service line.
- J. Privately Constructed Board Main:** Any water main connected to and becoming a part of the Board's water distribution system, which is located in a public way or place and is constructed directly by applicant's funds. The size, material, location, and construction of this type main shall be in accordance with the Master Plan, Board specifications, and these rules and regulations. Design and installation of the main shall be subject to review, inspection and approval by the Board.
- K. Board Installed Distribution Main:** Any distribution main connected to and becoming a part of the Board's water distribution system which is located in a public way or place and is constructed by Board pipeline crews utilizing Board furnished labor, equipment and materials. The main will be designed by the Board Engineer. Size, material, location and construction of this type main shall be in accordance with the Master Plan, Board specifications and these rules and regulations. It is solely the Board's option whether to utilize its pipeline crews to install distribution mains outside Permit Area A.
- L. Board Contracted Distribution Main:** Any distribution main connected to and becoming a part of the Board's water distribution system which is located in a public way or place and is constructed by a third party contractor under contract to the Board. The main will be designed by the Board Engineer. Size, material, location and construction of this type main shall be in accordance with the Master Plan, Board specifications and these rules and regulations.
- M. Permit Area A:** The area immediately surrounding the Pueblo City limits, as same now exists or may be subsequently changed by future annexations, and extending outward to a demarcation line as shown on a map entitled, "Extraterritorial Water Service Permit Areas." The reproducible original of the map of Extraterritorial Water Service Permit Area shall be kept on file by the City Clerk of Pueblo and available for public inspection.
- N. Permit Area B:** The rest of Pueblo County and any adjacent counties thereto.
- O. Date of Acceptance:** The date when all final street or alley surfacing work, including curb and gutter, if required, is accepted by the City of Pueblo, Pueblo County or Colorado Department of Transportation. If no street surfacing work is involved, the Board will establish the date of acceptance.

10.03 General Requirements: All water main extensions of the Board's water distribution system are to be under the exclusive control and ownership of the Board. Upon written request and submission of satisfactory evidence that the request for a water main extension is justified, the Board will enter into an agreement with the applicant to utilize

Board pipeline crews to construct a Board installed distribution main (except if the Board exercises its option outside Permit Area A not to utilize Board pipeline crews), or utilizing a contractor of the Board's choosing to construct a Board contracted distribution main, or allow the applicant to install a privately constructed Board main, all in accordance with the provision of these rules and regulations.

The general requirements are as follows:

- A. Upon submitting a preliminary plat of a subdivision or addition to the City of Pueblo Planning and Zoning Commission or Pueblo County Planning Commission for its approval, the applicant shall provide the Board one (1) copy of the preliminary plat. The size, materials, main routing, fire hydrant locations, valving, looping requirements, and other engineering considerations shall be determined by the Board. The applicant shall then incorporate this information into the improvement plans furnished to the Board and City of Pueblo or Pueblo County. One (1) copy of the improvement plans shall be provided by the applicant to the Board for review and approval of the proposed location of the water mains, valves, fire hydrants, service lines, and meter sets. One (1) copy will be returned to the applicant with the Board's comments and recommendations. Once the improvement plans are revised, the applicant shall resubmit one (1) copy to the Board for review and approval.

It shall be the applicant's responsibility to advise the Board of any changes in the plat as they occur so that the water system may be redesigned for current conditions. The improvement plans must be approved by the Board prior to the construction of any water mains. The applicant shall furnish one (1) reproducible mylar set or one (1) electronic copy (.pdf or .dwf format) of the approved improvement plans to the Board prior to start of construction.

- B. The Master Plan for an area shall provide a water distribution system with water mains interconnected to form a looped network where feasible. This will provide equalized pressure, improved flow and capacity, greater reliability and better circulation of water. The looped system requirements will be determined by the Board.
- C. All distribution mains to be installed in and/or contiguous to a property, which are required by the Master Plan, shall be financed by the applicant and installation of these water mains shall precede the construction of the street base and/or surface.
- D. The location, route, and length of water main extension shall be determined by the Board based upon convenience, economy, water service requirements and capabilities, and ultimate requirements of the Board's water distribution system.
- E. Applicant shall enter into a written agreement with the Board for water main extension prior to start of construction. This agreement will require the applicant to make a deposit if the main extension is to be installed by the Board. If the agreement

covers a privately constructed Board main, applicant shall finance the complete project.

- F. Applicant is to furnish street grades, property pins, and stake locations of water mains, valves, fire hydrants, service lines, and meter sets prior to the beginning of installation of the water mains. If data is in error, or plans are changed so that the water mains do not have sufficient cover after the street is finished, or water mains, water valves, fire hydrants, service lines, or meter sets are improperly located, the applicant shall pay all costs to make corrections.
- G. Materials and installation shall be in accordance with Board specifications and the approved improvement plans.
- H. Applicant shall be responsible for damage to or loss of mains, valves, valve boxes, or appurtenant fixtures until date of acceptance.

10.04 Financing of Water Main Extensions: The Board shall have sole discretion in making extensions to its water system and constructing pertinent facilities both inside and outside the Pueblo City limits. Nothing contained herein shall prevent the Board from installing or causing to be installed transmission mains, distribution mains, booster stations, and storage facilities either inside or outside the Pueblo City limits as it deems desirable and necessary for the orderly extension of the Board's water system.

A. Inside Pueblo City Limits and/or Inside Permit Area A:

- 1. For Board installed distribution mains or Board contracted distribution mains, applicant shall deposit with the Board prior to the start of installation the estimated basic cost. In lieu of the deposit, the Board reserves the right to accept a bond or letter of credit from the applicant. The bond or letter of credit shall be acceptable as to form and procedure by the Board's attorney. For privately constructed Board mains no deposit, bond or letter of credit is required.

Upon completion of the work on Board installed distribution mains or Board contracted distribution mains, a final cost accounting shall be made. The applicant shall promptly pay to the Board the excess, if the completed basic cost is higher than the original estimate. If the completed basic cost is less than the original estimate, the difference shall be refunded promptly to the applicant.

- 2. At its discretion, the Board may initially assume all or a portion of the cost of a water main extension to:
 - a. Properties already having Board water service through a private main and/or service line(s). See Section 10.05 B.

- b. In advance of City of Pueblo, Pueblo County or State of Colorado Department of Transportation projects, or where the Board decides a water system improvement is required.

The cost of any such extension shall be prorated to all benefited properties.

3. The cost of transmission mains, booster stations, and storage facilities shall be borne by the Board, subject to the Board's discretion as to the engineering and economic feasibility of such provision. The Board's decision in such matters will be in part based upon the rate and density of development of the area and the number of customers attached to the Board's system. The Board's decision in these considerations shall be final.

It is the Board's policy to encourage development in reasonable stages with reasonable density of customers on line so that the Board's system is not expanded too rapidly into sparsely populated areas until reasonable population density has developed within the area of existing facilities.

B. Outside Permit Area A (Permit Area B):

1. For Board contracted facilities, applicant shall deposit with the Board prior to the start of the installation, the estimated total cost (estimated labor, equipment, materials and third party changes to provide a complete installation) of the Board contracted distribution main(s) plus any transmission mains, booster stations, storage facilities, or other appurtenant water facilities constructed to provide service to the applicant. In lieu of the deposit, the Board reserves the right to accept a bond or letter of credit from the applicant. The bond or letter of credit shall be acceptable as to form and procedure by the Board's attorney. For privately constructed water mains or facilities no deposit, bond or letter of credit is required.

Upon completion of the work on Board contracted distribution mains, a final cost accounting shall be made. The applicant shall promptly pay to the Board the excess, if the completed total cost (actual labor, equipment, materials and third party changes to provide a complete installation) is higher than the original estimate. If the completed total cost is less than the original estimate, the difference shall be refunded promptly to the applicant.

2. For deposit and/or final cost accounting purposes, applicant shall pay total cost or basic cost, whichever is greater.
3. If oversized mains, transmission mains, booster stations, storage facilities, or other appurtenance water distribution facilities are required, the total cost of same shall be borne by the applicant. These costs shall be included in the determination of the pro rata charge, which shall then remain in effect whether or not properties served thereby are annexed to the City of Pueblo.

10.05 Procedure - Water Main Extensions, Deposits, and Charges:

A. A distribution main extension for an applicant shall be one of the following types: approach main, border main, or on-site main. The cost of the water main extension shall be assessed as pro rata charges to the properties abutting the water main extension in the following manner.

1. In advance of extension of a water main to serve a property, applicant shall pay to the Board all applicable pro rata charges for existing border mains. Prior to receiving a tap for direct water service, applicant shall also pay to the Board all applicable pro rata charges for on-site (frontage) mains.

Where the Master Plan provides for parallel water mains, such as along major thoroughfares, railroads, or drainage structures, each property shall pay the entire cost of its abutting water main and shall not pay any of the cost of the other parallel water main. At the Board's sole discretion, an exception may be allowed for Board installed distribution mains along highway frontages. In these cases, the Board may choose to apportion only one-half of the total cost to the affected property.

2. The cost of approach mains, border mains, and/or on-site mains shall be prorated to the properties abutting the water mains on the basis of front footage of property adjacent to the water mains.
3. The cost of an approach and/or border main shall be paid by the applicant for said water main extension. This cost shall be prorated to the properties which abut said water main and any water main assessments, from properties other than applicant's, shall be refunded to applicant as these properties are provided water service and/or the extension of water mains. See Section 10.05D. (In essence, with the complete development of properties adjacent to an approach water main, it would become either a border main, or an on-site main for the abutting properties.)
4. The Board is under no obligation for repayment of pro rata charges to the original applicant unless it collects the applicable pro rata charges from the property owners.

B. Inside the Pueblo City limits and/or inside Permit Area A, a distribution main may be extended to provide water service to residential lots or building sites in a pocket of a developed area; to an area which is essentially developed consisting of lots or building sites which are zoned residential, not having a Board water main along the entire frontage of the property or properties; or to residential property or properties served by a private water service line or mains. Normally, owners of at least fifty percent (50%) of the assessable frontage must deposit their share of the total main extension cost before construction will begin.

The applicant for a Board-installed distribution main or Board-contracted distribution main shall provide a cash deposit equal to the estimated basic cost to extend the water main from an existing Board water main to and along the frontage(s) of the property to be served. This water main extension will be done in accordance with the Master Plan. If the Master Plan requires a water main along more than one frontage of a single property to be served by the water main extension, the water main shall be extended along these entire frontages as a requirement of the water main extension. Under certain conditions, approved by the Board, an Agreement for Immediate Water Service Pursuant to Agreement for Future Water Main Extension may be signed.

The cost of the water main extension shall be apportioned to the abutting property which may be served directly from the water main extension in the same ratio that each property frontage liable for pro rata water main assessment bears to the sum of the property frontages liable for pro rata water main assessment. If, in the Board's opinion, an applicant creates a group of lots through subdivision or lot line rearrangement whereby the frontage of the lots does not fairly reflect the ratio of the areas of the respective lots benefited by the abutting water main(s), then the Board reserves the right to apportion the cost of the water main(s) based on the ratio of the areas of the lots rather than the actual frontage of the lots. In determining the frontage(s) liable for pro rata water main assessments, the Board may determine that a property with a water main on more than one frontage shall be assessed on the basis of one frontage only. In order to be considered for this exception, the property must meet the following criteria:

1. The property must be used as a single family residence.
2. The property must not contain more than 14,500 square feet nor have any single frontage over 125 feet.
3. The property must have either a City of Pueblo R-1, R-2, R-2U, or R-8 zoning or a Pueblo County RA, R-1, R-2, or R-8 zoning.

The Board will determine which frontage will be assessed. Any properties which do not meet all the previously stated criteria shall pay water main assessments on all frontages.

For each property abutting a water main extension and served directly therefrom, the customer shall pay all pro rata charges on all frontages prior to receiving a tap into the water main.

- C. In the event an applicant makes a water main extension which will serve only property owned or being developed by the applicant, the pro rata charge and refund to the applicant contained in Sections 10.05 A, B, and D shall not apply.
- D. Refund of water main extension deposits: If an applicant enters into an agreement with the Board for the installation of a water main extension, there shall be refunded to

the applicant any pro rata charges collected from owners of properties abutting said water main extension during the fifteen (15) year period commencing with the date of the water main extension agreement. In no event, however, shall the total refund to any applicant exceed the difference between the applicable original water main extension cost and the pro rata charge against the property of such applicant.

At the end of fifteen (15) years, such refunds to the applicant shall terminate, even though the total refund may not have equaled the water main extension total cost. No refund shall be made to the applicant out of charges collected for any further water main extension of or from the water main contracted for by the applicant. All pro rata charges collected after the above fifteen (15) year period shall accrue to the Board. No further pro rata charges shall be collected after twenty (20) years.

- E. Pro rata charge: The pro rata charge shall be collected in a lump sum prior to granting the tap to serve the property or prior to granting a water main extension from a border main, or as a special assessment to the benefitted property if the water main is financed by the Board. Applicant shall furnish a copy of the deed to the property to be served. The Board may authorize the pro rata charge to be added to the monthly water bill or service account of a single customer in an amount sufficient to retire such charges. The financing, including appropriate interest rates, shall be determined and approved by the Customer Service Manager.

10.06 Service Requirements: In order to receive water service, a property must be adjacent to a Board main and a Board main must be installed along the entire frontage(s) prior to water service being granted, unless the Master Plan does not require the main(s). The frontage mains are to be in accordance with the Master Plan. The property must be served directly from the frontage main(s). Water service to a property cannot be obtained by the installation of a water service line between two properties as an alternate to the above. See Section 8.12.

10.07 City to Acquire Ownership:

- A. All right, title, and interest to water main extensions to the Board's system will be vested in the City of Pueblo for the use and benefit of the Board.
- B. All right, title, and interest to any privately constructed Board main built in conformity with the Board's specifications and accepted by the Board shall vest in the City of Pueblo for the use and benefit of the Board. Where water mains are to be installed across applicant's property which is not a dedicated street or public right-of-way, the applicant shall convey to the Board an easement, of a width detailed below, which grants the Board rights at least equal to the rights it would enjoy in a dedicated street.

<u>Main Size</u>	<u>Minimum Easement Width</u>
6-inch	20 Feet
8-inch & 12-inch	30 Feet
16-inch & Larger	50 Feet

- 10.08 Previous Agreements Excepted:** Nothing contained within these rules and regulations shall be construed to affect or alter any portion of any agreement relating to previous contracts to which the Board shall be a party prior to the effective date of these rules and regulations.
- 10.09 Maintenance of Privately Constructed Board Mains:** The applicant who has installed a privately constructed Board main shall be responsible for the maintenance of said water main during the one (1) year period from date of acceptance of the water main by the Board. The applicant shall reimburse the Board for all costs incurred by the Board in the maintenance during this one (1) year period. Further, the applicant shall be responsible for all excavation, backfill, asphalt or gravel surfacing, and concrete for a two (2) year period from date of acceptance of the water main by the Board.
- 10.10 Connection to Water Mains - Fees and Refunds:** At the time of connection, the Board shall collect from the applicant such pro rata charges, tap, and water use or other system connection fees as are then in force.