

**SECTION 1.00
GENERAL PROVISIONS**

1.01 Declaration of Purpose: The rules and regulations contained herein are necessary and desirable to establish standards for the operation of the Board of Water Works of Pueblo, Colorado, hereafter referred to as the *Board*.

1.02 General Definitions: Following are definitions of words or terms as they are used in these rules and regulations:

A. Multiple Dwelling Unit: *Multiple dwelling unit* shall include apartment complexes of any size, duplexes, condominiums, townhouses, and mobile home parks.

B. Property: *Property* is defined as being:

1. A building occupied by a family unit and used for residential purposes.
2. A building occupied by a single business entity and used for business or commercial purposes.
3. A single tract of land which contains areas rented for mobile homes for residential purposes.
4. A single tract of land which contains townhouses or condominiums.
5. A building or group of contiguous buildings located on a single tract of land containing areas and spaces separately rented or leased to tenants for residential or commercial purposes.
6. A building or group of contiguous buildings located on a single tract of land and used for industrial purposes by a single entity.
7. Any other structure, public or private, the use or occupancy of which requires water and water service.
8. A single undeveloped tract of land.

C. Water Meter Set: *Water meter set* is defined as the complete unit required for measuring water delivered to the customer's property. This complete unit includes the meter(s), can and top, or vault, all valves, piping, and special appurtenances inside the can or vault.

D. Water Service Line: A *water service line* is the pipe carrying water from the Board water main in the public street, alley, dedicated right-of-way, or easement to a building or other point of use on the property. All costs for installation, maintenance, and/or replacement of these shall be borne by the property owner.

- 1.03 Ownership of Water:** The Board reserves to itself all property rights to the water furnished by the Board to its customers. These rights include, for a portion of the Board's water supply, the right to reuse, to make a succession of uses, to recapture after a customer's use, and to dispose of the water so reclaimed, to its complete and absolute consumption.
- 1.04 Right to Use:** All dominion over and control of the water furnished by the Board to its customers is reserved to the Board subject only to lawful uses on the customer's property. Any water furnished by the Board to its customers may be used only on the customer's property where the water is delivered by the Board. A customer's use may include water reuse or successive use when done as part of the customer's normal business operations. A customer may not otherwise reuse, successively use, transfer, or dispose of the water unless authorized by the Board, acting through its enforcement officer. The use of Board water by a customer may be modified or terminated by the Board in order to comply with (1) policy directives or guidelines issued by the Bureau of Reclamation or any other federal agency regarding the use of federal water facilities or federal water;(2) the terms of a federal contract, license or permit; or (3) applicable law.
- 1.05 Enforcement Officer:** The enforcement officer shall be the Executive Director or his designated representative.
- 1.06 Compliance with the Terms of Rules and Regulations:** Every customer using water from the Board's water system shall thereby be deemed to have consented and agreed to the terms and provisions of these rules and regulations and to have acknowledged the right of the Board to discontinue water service in the event of the failure of such customer to comply with the terms and provisions of these rules and regulations, including failure to make timely payment of all rates and charges fixed and established in these rules and regulations.
- 1.07 Water Service Shut Off Without Notice:** The Board may shut off water service to any customer, without notice, if such customer shall tamper with or in any way interfere with any meter, register, connection, valve, or other appurtenances belonging to the Board, or for any violation by a customer of the terms of these rules and regulations or any applicable ordinance of the City of Pueblo or the statutes of the State of Colorado.
- 1.08 Interruptions in Water Service:** The Board shall make every effort to maintain steady pressures and continuous water service, and will attempt to notify customers of contemplated shutdowns and interruptions of water service. The Board assumes no liability for accidents, interruption of water service or damage caused directly or indirectly by any shutdown or interruptions of water service or its failure to notify customers of such. In instances where public health, safety, or welfare so requires, the Board shall have the right to shut off the flow of water in its mains without notice but will endeavor where possible to notify affected customers of the intention to interrupt the water service. Interruption of water service under such conditions shall not give rise to any claim on the part of any customer.

- 1.09 Refusal to Deliver Water When Contamination of Supply May Result:** The Board may refuse to deliver water to any property where any condition exists which might lead to the contamination of the public water supply, and the Board may continue to refuse delivery of water to any such property until such condition is remedied by the customer.
- 1.10 Access for Board Employees:** Customers will provide access to their property at all reasonable times for authorized employees of the Board. This access may be necessary for determining violations of these rules and regulations or for conducting routine inspections. Refusal to permit any reasonable inspection or investigation shall be grounds for discontinuance of water service.
- 1.11 Use and/or Diversion of Water in Violation of Board Rules and Regulations:** Any use and/or diversion of water in violation of these rules and regulations shall be of such importance as to justify immediate discontinuance of water service without notice. The violator will be charged for such diverted water, and may be prosecuted before a court of competent jurisdiction. Any attempt to take water from the Board's system without proper registration on a Board water meter shall constitute *prima facie* evidence of diversion of water by customer in whose name service is being rendered, or by a person benefiting from the use of such diverted water. This use/diversion of water may include the installation of water-consuming devices ahead of the meter; tampering or interfering with pipes, devices, or equipment connected to the Board's water distribution system; damage to, alteration of, or obstruction of any meter, (including the breaking of meter seals) which will permit the use of water without its proper registration of the Board's meter; and turning water on after it has been shut off by the Board. The property owner or person benefiting from the use of such diverted water will be required to pay, to the Board, up to three times the amount of the actual damages (based on normal/average consumption for a similar type customer) if any, plus all reasonable expenses and costs incurred, including, but not limited to, costs and expenses for investigation, disconnection, reconnection, service calls, labor and equipment, and expert witnesses, costs of the suit, and reasonable attorney fees. If service has been discontinued for use/diversion of water in violation of Board rules and regulations, the Board will not render water service to the customer or to any other person for customer's use at the same or any other location, and the Board reserves the right to refuse service to the customer at any other location owned or controlled by customer until:
- A. Customer has paid all applicable bills.
 - B. Customer has reimbursed the Board for all costs incurred in making corrections necessary to prevent further diversion of water.
- 1.12 Water Use During Emergency:** During an emergency condition, the Executive Director or his/her designated representative shall be authorized to take such temporary measures in furnishing water service to the citizens of Pueblo as he/she may feel necessary and appropriate for the public safety, health, and welfare. Said action will be taken only after the Executive Director or his/her designated representative has concurrence of the

President of the Board, or in his/her absence, a Vice President of the Board. In the absence of the Executive Director, the order of designated representative for the above purposes shall be:

- 1) Deputy Executive Director, if the position is active.
- 2) Director of Operations
- 3) Director of Administrative Services
- 4) Division Manager as designated by the Executive Director or Deputy Executive Director

1.13 Drought Response Plan: While the Board always encourages wise use of water, during a drought in which the water supply is not adequate to meet customary delivery standards, the following action plan shall be implemented by the Executive Director, or his/her designated representative, following concurrence and approval of the Board. The Executive Director will be responsible for developing the actual policies and procedures for drought response implementation, exemptions, enforcement, and penalties.

A. Drought Response Actions

1. **Stage I:** No mandated limits on irrigation, but customers will be encouraged to voluntarily decrease their water use.
2. **Stage II:** All irrigation will be limited to two days per week. A goal of 15 percent water savings in comparison to average summer usage is expected.
3. **Stage III:** All irrigation will be limited to one day per week. A goal of 30 percent water savings in comparison to average summer usage is expected.
4. **Stage IV:** All irrigation and other outdoor water uses are prohibited. Delivery of water for industrial and commercial uses may be reduced. A goal of 50 percent water savings in comparison to average summer usage is expected.

B. Extra-Territorial Water Customers

Potable Water. Potable water use outside the City limits may be limited or restricted under any of the above described drought response stages.

1. **Raw Water.** Raw water leases outside the City limits may be partially or totally suspended under any of the above described drought response stages.

C. Enforcement and Penalties

1. The first violation will be a written warning. The warning is a legal notice of violation of the lawn watering restriction.

2. The second violation will result in a \$100 wasted water charge added to your monthly water bill.
3. The third violation will result in a \$300 wasted water charge added to your monthly water bill.
4. The fourth violation will result in a restriction of service and a \$500 wasted water service charge added to your monthly water bill.
5. Any subsequent violation will result in discontinuance of service.

The above violations apply to all residential, commercial, and industrial customers, with the exception of a \$500 wasted water charge that applies to improper or unauthorized use of public or private fire hydrants.

- 1.14 Damage to Board of Water Works' Property:** Customers who damage Board property may be charged for repair or replacement costs, including, but not limited to cost of investigation, outside vendor service charges, Board labor and equipment costs, or other related costs, provided the Board can substantiate the customer's responsibility for the damage. Upon a customer's written request, received by the Board within fifteen (15) days of the date of the Board's invoice for damage repairs, the Board shall designate a referee to review the bill for damage repairs with the customer and make any necessary modification.
- 1.15 Use of Water from the Potable Water Dispensing Station:** The Board currently allows potable water delivery to authorized bulk potable water haulers at its Potable Water Dispensing Station (Station) located at 707 W. 3rd St., Pueblo, Colorado through an application and permit process. Potable water service from the Station is temporary in nature and subject to termination by the Board at any time. The Board does not guarantee that potable water will be available for delivery at the Station at any certain time or that it will always be available for delivery at the Station. The primary intent in providing the Station is to allow temporary potable water service to a relatively small number of customers in Pueblo County who do not otherwise have ready access to potable water. The addition of potable water customers who have large daily demands has increased the wait times and traffic congestion at the Station. Therefore, effective September 15, 2015, the Board reserves the right to limit the daily, monthly or annual quantity of water for any individual water hauler or for any individual premise that will be served by water obtained from the Station. The Board's Executive Director or his designee will periodically review each customer's daily use of the Station and determine whether that use constitutes an excessive use of the Station. If the Executive Director or his designee determines that a customer's use of the Station is excessive and creates a hardship for other Station customers because of the wait times caused by the excessive use, the Executive Director or his designee may limit the customer's use of the Station to specific hours of the day and/or specific days of the week.