

POLICIES

BOARD OF UTILITIES COMMISSIONERS

City of La Junta, Colorado



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GENERAL UTILITY PROVISIONS

SECTION 1

1.1 ADOPTION: It is the intention of the Board of Utilities Commissioners that this directive and every section and provision thereof shall be considered separable; and the invalidity of any section, clause, provision, or part or portion of any section, clause, or provision shall not affect the validity of any other portion of this directive.

1.2 PUC RULES: The Public Utilities Commission of the State of Colorado Rules regulating the service of electric utilities is hereby adopted for the City's jurisdictional customers. The Board of Utilities Commissioners may adopt conflicting regulations for its non-jurisdictional customers.

1.3 RULES AND REGULATIONS OF THE CITY UTILITY DEPARTMENT: These rules and regulations are a part of all contracts for receiving utility service from the City and apply to all service received from the City whether service is based upon contract, agreement, signed application or otherwise.

1.4 AVAILABILITY: A copy of this schedule of rates and charges shall be kept open for inspection at the City business office in the City Hall.

1.5 REVISIONS: These rules and regulations may be revised and supplemented from time to time, without notice. Such changes, when effective, shall have the same force as the present rules and regulations.

1.6 CONFLICT: In case of conflict between any provision of a rate schedule and rules and regulations provisions, the rate schedule shall apply.

1.7 DEFINITIONS

a) CITY: Defined as the City of La Junta.

b) COMMERCIAL UNIT: A "commercial unit" is defined as any structure not in the category of a "private residence unit."

c) PRIVATE RESIDENCE UNIT: For the purpose of establishing water rates in the City of La Junta, a "private residence unit" is defined as an individual structure designed to house one family, normally occupied by one family, having a ¾ inch water line.

d) MULTI-DWELLING UNITS: A structure designed to house more than one family normally occupied by more than one family. The sewer charge is applicable to each separate unit within the structure that is supplied with water service.

e) COMMERCIAL UNITS: A structure designed for occupancy by one or more business entities and/or residence units. The sewer charge is applicable to each separate unit within the structure that is supplied with water service.

f) INDUSTRIAL: Any entity dumping any substances that have greater than normal domestic waste (consisting of 200 mils per liter) into the City sewer system will be charged an industrial rate as adopted by the Utilities Board.

g) CONSECUTIVE SYSTEM: Consecutive System means a public water system that receives, through purchase or other means, treated water from one or more supply systems and distributes only that water through a distribution system that it owns. These systems may provide disinfection but no other treatment. Any public water system that is required to meet additional or more stringent monitoring requirements or maximum contaminant levels as compared to the supply system is not a Consecutive System. A Consecutive System may be included in an integrated system, as that term is defined in the Colorado Revised Statutes for the purpose of complying with one or more of the regulatory requirements applicable to Consecutive Systems.

h) COMMUNITY WATER SYSTEM: Community Water System shall mean a public water system that:

1. Serves at least fifteen (15) service connections used by year-round residents of the area served by the system; or
2. Regularly serves at least twenty-five (25) year-round residents.

i) DORMANT USER: Any consumer user (commercial or residential) who is a user of City utility services but of which use is not on a continuous basis for a period in excess of thirty (30) days.

j) UTILITY: City services including of electricity, sewer, water or sanitation services to its consumers.

1.8 RESIDENTIAL SERVICE RATES: Residential service rates are available only to a dwelling of one or more rooms designed for occupancy by one family and NOT having more than one cooking facility. The rental of rooms for sleeping purposes only in an ordinary residential dwelling does not constitute commercial service.

1.9 COMMERCIAL RATES: A commercial customer shall be any applicant who wishes to use the City's services for any gainful purposes, unless otherwise stated in these rules and regulations. Public buildings and religious and fraternal or cooperative non-profit business organizations shall be considered commercial activities for the purposes of billing.

1.10 LIABILITY: The City shall not be held responsible for any injury to persons or damage to property occasioned or caused by the acts, omissions or negligence of the consumer or any of his agents, employees or licensees in installing, maintaining, operating or using any of the consumer's lines, wires, equipment, machinery or apparatus and for injury and damage caused by defects in the same. The consumer shall hold the City harmless and indemnify it against any and all claims and liabilities for injury or damage when such injury or damage results from or is occasioned by the facilities located on the consumer's side of the point of delivery unless caused by the negligence or wrongful acts of the City's agents or employees.

1.11 ELECTRIC AND WATER METER ACCESSIBILITY

a) Electric and water meters must be freely accessible to City utility personnel. Utility personnel should not have to enter someone's home, obtain a key from the owner, worry about dogs, or ask someone to move their car. These and other instances that restrict free access will be considered a violation of our terms for service calling for immediate correction by the occupant, or termination of services will result.

b) If the previous owner or tenant was reading his/her own meter and using meter cards, and he/she sells or moves from the property, the new owner or tenant will have to relocate the meter or make the meter freely accessible before the City will grant new service to that customer.

c) Should a situation exist where a customer is reading his/her own meter, that customer is required to allow the City utility personnel to read the meter every six months.

1.12 IDENTIFICATION: Delinquency in payment for service rendered to previous occupant of the premises to be served, and unpaid charges for services or facilities not ordered by the present or prospective customer, shall not constitute a sufficient cause for refusal of service to a present or prospective customer, provided, however, the utility may decline to furnish service at the same premises for the use of a delinquent customer by subterfuge in any manner. Subterfuge includes, but is not restricted to, an application for service at a given location in the name of another party by an applicant whose account is delinquent and who continues to reside at the premises. The City

may require proof of identification of new customers into the City system and other such information allowable by law it deems necessary to insure collection of utility bills.

1.13 CHANGE IN CUSTOMER CLASSIFICATION – NOTIFICATION: Customers shall be notified in writing by certified mail, with return receipt requested, of any customer classification change on utility billings, the effective date of the change and the reason for the change.

1.14 POWER OF ATTORNEY: Properly executed powers of attorney signed by the utility customer designating an individual or entity as an “attorney in fact” shall be recognized by the utility department.

1.15 REALTORS LISTING AGREEMENT: On a limited basis, the City shall accept a properly executed “Real Estate Listing Agreement” between a realtor and a utility customer, evidencing an existing contractual relationship between the realtor and the customer. The information to be provided under this section shall be limited to the current existing balance on the account and the summary charges for the account for a period not exceeding six (6) months.

1.16 BANKING DOCUMENTS: On a limited basis, the City shall accept a properly executed Deed of Trust executed on behalf of a banking institution and directed to the Public Trustee of Otero County, properly signed by the customer, and creating an equitable ownership interest to the lending institution. The information to be provided under this section shall be limited to the current existing balance on the account, and the summary charges for the account for a period not exceeding six (6) months.

1.17 MILITARY ASSIGNMENT: In the event that any utility customer is stationed overseas pursuant to military service with the United States Armed Forces, then upon the presentation of a copy of the Orders obligating the utility customer to perform overseas military service, then that copy of Orders shall constitute significant demonstration of the customer’s authority to allow the spouse or next of kin to act on behalf of the customer.

1.18 RESERVE FUND: A portion of the gross revenues of the Water, Sewer and Electric Fund shall be retained and set aside each year for emergency breakdown or unforeseen repair sufficient to maintain a balance of 25% of gross revenues of the previous year.

ADMINISTRATIVE UTILITY PROVISIONS

SECTION 2 – PAYMENT OF BILLS AND CREDITING THE CUSTOMER’S ACCOUNT

2.1 WORK ORDERS: All work orders regardless of type of service must have a signature from the customer or person requesting the work order. No work order will be completed unless a signature is obtained first. If the customer is unable to come into the office to sign the work order, he/she must be at the service location and sign the work order before the request is completed.

2.2 PRIOR BILLS: When a person wishes to connect, the utilities department will ascertain whether that person has any outstanding bills at a prior location. If so, the person will not be allowed to use City services until these outstanding bills are paid in full.

2.3 REQUESTED SERVICE: All requests for a connect made between 8:00 a.m. and 3:00 p.m. will be worked the same day. If the connect is requested after 3:00 p.m., the order will normally be worked the following day unless the customer requests same day service, in which case the after-hours connect fees will apply.

2.4 CONNECT FEE: The connect fee for electric service during regular work hours (8:00 a.m. to 3:00 p.m.) will be \$20.00. After regular work hours, the connect fee will be \$30.00. The connect fee for water service during regular work hours (8:00 a.m. to 3:00 p.m.) will be \$15.00. After regular work hours the connect fee will be \$30.00

2.5 CONNECT FEE EXEMPTIONS: Owners of rental property are exempt from paying the required connect fee if the property owner or his agent has signed an agreement with the City to pay all utility charges during the period of non-occupancy. This exemption applies only during the period of non-occupancy by tenants. If a property owner has purchased a piece of property and has not had a tenant under his ownership, he will be required to pay the connect fee.

2.6 OFFICE HOURS: The City utilities office is located in the Municipal Building and is open from 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays or unless the office is closed for other official purposes.

2.7 PAYMENTS – WHEN CREDITED: All payments presented at the utilities office will be credited to the customer’s account on the day presented. If a customer makes payment by mail, the payment will be credited on the day the payment is received by the City. The customer is responsible for making sure that mail payments are received prior to due dates. If a customer makes a payment using the night depository, the

payment will be credited to the current day if made before 4:30 p.m. All payments deposited after 4:30 p.m. on that date will be credited to the customer's account on the following business day.

2.8 BUDGET BILLING

a) Customers served under Residential Service Rates, who have no Notice of Discontinuance of Service pending, may elect, at their option, to pay monthly bills for service on a budget billing plan beginning with any billing month. Any customer electing the budget billing plan will pay a monthly amount equal to 1/10th of the total of his most recent twelve month's bills; said monthly payment being a settlement amount equal to the difference between the total of the prior eleven months' payments and the actual billings for the twelve-month period. If the settlement amount is a credit balance, the City will issue a check to the customer in the amount of the credit balance, or the customer may elect to have the credit applied to future billings. If the settlement amount is a debit balance owed by the customer, the total balance will be due and payable on the due date shown on the bill for the settlement month, except that in the event the debit balance exceeds \$20.00, the customer may elect to pay the debit over a two month period with at least one-half of the total debit balance payable in the settlement month. The customer may continue on the budget billing plan for succeeding years, in which case the settlement month for each year will occur in cycles starting with the next October settlement date.

b) If a customer electing the budget billing plan fails to pay the budget billing obligation in any month, normal collection procedures shall be applicable for the outstanding budget billing amount. Upon termination of service of a customer on the budget billing plan, the customer is subject to removal from the plan and the entire outstanding amount of the account for actual usage shall be due and payable.

c) The monthly budget billing amount will be adjusted for changes in the City-based rates, but will not be adjusted for normal Electric Cost Adjustment changes.

2.9 METER READING AND PAYMENT OF BILL

a) All meter reads (manual or electronic) shall be obtained monthly. All service bills are due and payable on or before thirty (30) days following the date for which service is billed.

b) Bills will be rendered for service from the time service has been made available at the request of the customer until service has been requested

discontinued in writing, and the final meter reading has been obtained. Failure to receive bills in no way relieves the customer from his obligation to pay as set forth herein.

c) Should a customer come into the office or call and request a water or electric meter be reread, the appropriate work order is made up and signed by the customer. The meter is reread, and if correct, the customer is so notified. If in error, adjustments are made accordingly and the customer is then notified.

2.10 DISCONNECTION OR DISCONTINUATION OF ELECTRIC SERVICES

a) The City may refuse to connect or may discontinue all services for the violation of any of these rules and regulations, for failure to pay for any service when due, and for violation of any provision of the schedule of rates and charges or of the application of the customer's contract with the City.

b) The City shall not discontinue the electric service of any consumer for violation of any rule of such utility except upon printed or written notice of at least seven days, advising the consumer in what particular rule has been violated for which service will be discontinued. This rule may be waived where a by-pass of dangerous leakage or short circuit on a consumer's premises, or in the case of a consumer utilizing the service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

c) Any consumer desiring to discontinue electric service shall give the Electric Department at least three days notice prior to the time disconnection is desired to permit meter reading, disconnection and final billing for service rendered. The consumer shall be liable in any event for electric service rendered until the final meter reading is obtained. Further, such notice by the consumer shall not relieve him in any way from any minimums or payments guaranteed under his service as hereinbefore defined.

d) If consumer's wiring or equipment is considered unsafe, service may be discontinued by the Utilities after notice and shall not be reconnected until the unsafe condition has been corrected. The Electric Department shall discontinue service without notice to the consumer if the unsafe condition could be considered dangerous to the life, health, or safety of any person.

e) Service may be discontinued by the Electric Department if the Electric Department determines (after notice to the consumer) that service to that customer's equipment is considered detrimental by the Electric Department to other consumers.

f) No consumer shall be allowed to connect any energy consuming appliance or device on the City's side of a meter nor tamper or otherwise interfere with the proper operation or registration of City's meter or permit others to perform such connection, interference or tampering; and for violation of this regulation service shall be disconnected by the Utilities without notice and shall not be reconnected until consumer shall have paid a service bill estimated by the Electric Department for the period during which such violation existed and shall have installed standard service entrance wiring in accordance with the prevailing requirement of the ordinance of the City relating to electrical installations, inspections, licensing, permits and regulations adopted by the Electric Department. The City may discontinue service to a customer for the theft of current or the appearance of current theft devices on the premises of the customer. The discontinuance of service by the City for any cause as stated in this rule does not release the customer from any obligations to the City for the payment of bills as specified in application of customer or contract with customer.

2.11 ELECTRIC BILLING PROCEDURE – PAST MONTH BASIS

a) When service is billed for a period of less than one month, kWh's billed and demand charges (if applicable) shall be billed as follows:

1) When a customer moves from one premises to another within a month's billing period, a closing bill will be rendered for the first location and an account will be activated for the new location.

2) Demand charges, if applicable, shall be billed on the highest sixty (60) minute demand at either location.

2.12 DORMANT FEES

a) It is the policy of the City to charge a minimum fee for electricity and water regardless of the usage per the meter reading. If a customer connects or disconnects at any time during the billing cycle, the minimum fee will still be charged even though the maximum usage allowed for that minimum charge has not been attained. Charges for sewer or trash collection or the water treatment facility fee will be prorated based upon the number of days in the billing cycle that the consumer had service.

b) Definitions

1) *Dormant* so shall mean any consumer user (commercial or residential) who is a user of City utility services but of which use is not on a continuous basis for a period in excess of thirty (30) days.

2) *Utility* is defined as City services including of electricity, sewer, water or sanitation services to its consumers.

c) Cost Recovery Rates: To offset the costs associated with the maintenance of distribution systems of utilities with the City, the Board of Utilities Commissioners determines that the following shall constitute the dormant utility user fees to be assessed to consumers who meet the definition of dormant user as defined herein.

WATER:	Facility Charge \$17.00	
	Plus base charge \$9.22	\$26.22
WASTEWATER:	Flat Charge first	
	7,000 gallons	\$17.87
ELECTRIC:	Monthly Minimum	\$ 9.25

2.13 DEPOSITS

a) All new customers into the City system will be required to pay a deposit against future services. No deposits will be waived. The initial deposit for a residential customer is \$100.00. The deposit for a commercial customer is the total of the previous occupant’s bill for three months. If the commercial customer did not previously exist, the deposit shall be determined by the collection supervisor after consultation with electric and water superintendent.

b) The name on the deposit slip is to be the same as the name on the account listing. The deposit slip shall not be written under the wife’s name and the utilities under the husband’s name or vice versa.

c) If a property owner lives other than in the City of La Junta, or is delinquent in making payments on rental property, then he shall be required to make a deposit.

d) In the event a residential customer shall have his service terminated for nonpayment of his account, an additional deposit of \$50.00 will be required, and upon each successive termination an additional \$50.00 deposit shall be required

and the same shall accrue until the deposit equals two and one-half times (2 ½) the highest monthly billing for that customer in the previous twelve (12) months.

e) In the event a commercial customer shall have his service terminated for nonpayment of his account and does not have a deposit on file equal to the total of three months' billings, a deposit will be required equal to the total of three months' highest billings in the previous twelve (12) months.

f) In the event a deposit is required as provided herein a customer may be permitted to pay this deposit in an amount of not less than one-fifth of the total amount required per month over a five (5) month period. Except as set forth herein, all arrearages for services and reconnect fees must be paid before any reconnecting shall be authorized.

g) Deposits held by the City shall accrue interest at an interest rate set forth in this section. Said interest shall be paid together with the deposit refund, at the time of the refund of the deposit, if any be allowed by the operating provisions of this general policy. Except as provided herein, the rate to be paid shall be computed on January 2nd of each calendar year. Upon determination of that rate, that rate shall apply to all deposits established during that calendar year. The interest rate shall be determined based upon an average of the interest rates offered by the La Junta State Bank, Colorado Bank and Trust Company of La Junta, TBK Bank and US Bank, as determined on January 2nd of each calendar year based upon a Certificate of Deposit of \$1,000.00 held for one year maturity.

2.14 DEPOSIT REFUNDS

a) Deposits may be refunded to those customers who have been current in making their utility payments during the year from the connect date and no delinquency existed. If a customer has transferred from one city address to another city address during the one-year period and was current in making payments, the customer is still qualified to receive a refund of the deposit.

b) All deposits will be refunded as a credit against the current bill unless requested in writing by the customer at least thirty (30) days in advance of the disconnect date.

c) No deposit refund will be made on a disconnecting account until after the final reads have been made. The deposit will be applied against the final bill at the time of termination of services. Should a credit balance exist after the deposit has been applied to the final bill, a refund check will be issued to the customer for the amount of the credit.

d) If a customer transfers to other City utilities and has a deposit on file, then the deposit will be transferred to the new account and no new deposit will be required.

2.15 DELINQUENCIES, LATE CHARGES AND CUT-OFFS

a) An account will be judged delinquent if it is not paid by the “due date” printed on the bill. A service charge of 10% will be added to the bill on that portion which is delinquent.

b) Upon application from the customer, the 10% service charge made on a past due account may be adjusted off if the payment is received in the collections office within ten (10) days of the due date and there have been no other delinquencies within the previous eleven months.

c) At a date when a bill becomes delinquent, a “ten day cut-off notice” is sent by first class mail to the delinquent customer. Cut-off shall occur on the next business day succeeding the final “cut-off” date set forth on said cut-off notice.

d) If the bill is not paid within the ten day notice period, no further notice will be given and service will be terminated as soon thereafter as personnel are able to do so.

e) The City will assume no responsibility for any resulting damage due to termination of service.

f) When electric and/or water service is terminated for non-payment, the delinquent bill must be paid plus the connect fees outlined herein before service will be restored. Also, additional deposits must be posted as required by this policy.

g) When work orders are sent out for termination of service due to non-payment, and customer contact is made, even though the meter has not been pulled, service charges will apply.

h) The City of La Junta is not responsible for mail deliveries. If for some reason the customer does not receive the bill or notices, it is the customer’s responsibility to notify the City. Termination will still take place as stated previously. The customer is also responsible for notifying the utilities collections office of any payments made during the “notice” period.

i) Should a customer be delinquent and be unable to make payment by the cut-off date, arrangements may be made with the approval of the collections supervisor to make payment after the cut-off date. The customer must come to

the utility office and sign a payment arrangement agreement prior to the cut-off date. If the customer does not pay as agreed in the arrangement, service will be terminated as set forth herein. Post cut-off payment arrangements may be made only if payment is guaranteed by Associated Charities.

j) When the normal cycle billing payment due date falls on a weekend or a holiday, the due date becomes the first working day immediately following the weekend or holiday.

2.16 RETURNED CHECKS

a) When a customer check is returned to the City, there will be a \$25.00 returned check charge.

b) If the check is returned and was given to the City to avoid the late charges, the late charge will be added to the amount due plus the returned check charge, and a \$20.00 service charge for electric and \$15.00 for water. All of these charges must be paid in full.

c) The customer is contacted by authorized personnel and given no less than forty-eight (48) hours to pick up the check. If the customer does not do so, services are immediately terminated.

d) If two checks are returned for insufficient funds, the customer is put on a cash-only basis.

2.17 PENALTY AND TAX EXEMPT ACCOUNTS

No account will be penalty or tax exempt without the approval of the collection supervisor. Penalty exemptions will only be approved in cases where payments are coming from a remote approving body and therefore cannot reach the office within the thirty (30) day period.

2.18 UNCLAIMED SECURITY DEPOSITS

a) Policy Declaration. In enacting this policy, the Board of Municipal Utilities finds and declares that there is a need to make distributions of monies to provide aid and assistance to the indigent, the elderly and handicapped of the City of La Junta, who do not otherwise have the financial resources to meet their electric energy needs. This policy shall authorize the establishment of a fund from which to collect and distribute monies to accomplish the goals set forth herein. The monies for such fund shall be based on unclaimed utility deposits and the interest accrued therefrom.

b) Definitions. As used herein, unless the context otherwise requires:

1) *Deposit* means moneys deposited by a subscriber with the City of La Junta Municipal Utilities to secure payment for services or any other amount which is paid in advance for electric, water, sewer or sanitation utility services to be furnished.

2) *Utility* means the City of La Junta electric department operating for the purpose of supplying electricity to the City of La Junta for domestic, mechanical, or public uses; the City of La Junta water department operating for the purposes of supply water to the City of La Junta for domestic, mechanical or public uses; the City of La Junta sewer department for purposes of supplying a sewer system to the City of La Junta for domestic, mechanical or public uses; and the City of La Junta sanitation department operating for the purposes of removal of refuse within the City of La Junta for domestic, mechanical or public uses.

3) *Unclaimed moneys* means:

i) Deposits, including any interest thereon, less any lawful deductions or amounts owed to the City of La Junta Municipal Utilities that is due to the subscriber through the City's security deposit policy, and that remains unclaimed by the subscriber for more than two years.

ii) Moneys which shall be deemed unclaimed and presumed abandoned when left with the City for more than two years after termination of the services for which the deposit or advance was made or for more than two years after the deposit becomes payable and the City has made reasonable efforts to locate the owner of the unclaimed moneys, or distribution is attempted pursuant to the terms and conditions of such deposit or advance.

c) Board of Associated Charities Fund. This fund shall be administered by the City of La Junta with recommendations by the Board of Directors of Associated Charities operating within the City of La Junta. The fund may be accessed by the Board of Associated Charities by the Board making recommendations for the disbursements of funds by the City of La Junta. The Finance Director shall thereafter verify the authenticity of the request, and draw the appropriate funds consistent with the guidelines of this resolution. In the event that the Associated Charities no longer operates within the City of La Junta, then the fund herein shall be terminated and all funds remaining in the fund shall be subject to disposition by the City.

d) Commencement of Program. Beginning May 1, 1992, a fund established for the purpose of collecting and distributing moneys to eligible recipients, who shall be designated by the Board of Associated Charities for use in the payment of utility bills for services received.

e) Unclaimed deposits. Beginning May 1, 1992, unclaimed deposits shall be paid by the utilities into the fund designated herein.

f) Eligibility. The Board of Associated Charities shall promulgate rules and regulations establishing the criteria for eligibility for recipients of assistance pursuant to this policy, which criteria shall be based in part on household size and income.

g) Disbursement of Money. The Board of Associated Charities shall disburse moneys for the payment of bills for utility services by negotiable instruments payable to the utility on behalf of the individual subscriber/recipient. No expenditure shall be directed for any account in excess of \$250.00 per transaction. No disbursement shall be made unless there is an amount in equal proportion to the amount to be distributed by the City fund which comes from the funding source of Associated Charities. In other words, Associated Charities and the City of La Junta must contribute an equal amount (or in cases where the City of La Junta's contribution may be less than Associated Charities contribution). In no case however, may the City of La Junta's contribution exceed \$250.00 per account per transaction.

h) Recovery of Funds. Associated Charities shall use every effort to recover funds paid to the recipient. Recovered sums shall be returned to Associated Charities and/or the City of La Junta in the same prorata share as the funds were distributed to the utility user.

i) Termination. The City reserves the entitlement to terminate Associated Charities' involvement in the fund created pursuant to the terms of this policy, upon recommended action by the Board of Utilities Commissioners and upon ten (10) days written notice by the City to Associated Charities.

ADMINISTRATIVE UTILITY PROVISIONS

SECTION 3 – BILLING ERRORS

3.1 SANITATION CUSTOMER’S ADJUSTMENTS: Customers having sanitation charges (who find that the bill is incorrectly calculated) will be entitled to refund for any excess amount erroneously billed and shall be charged for insufficient amounts erroneously billed.

3.2 REFUND: No refund or charge shall be made for more than ninety (90) days.

3.3 BILLING: If the City is unable, for any reason, to gain access to, or read any meter, the consumption shall be estimated based upon the past four months reading. Repeated failure to have access to the meter shall be deemed a violation of the Rules and Regulations. When access is gained, the Electric Department will re-bill for correct usage regardless of the time period involved.

3.4 ADJUSTMENT OF BILLS FOR ELECTRIC METER ERRORS

a) If on test of any service Watt-hour meter, made upon the request of the customer, by either the utility or the Commission, it is found to be more than two percent fast at any load, additional tests shall be made to determine the average error of the meter.

b) AVERAGE ERROR: The average error of the meter in tests made by the Commission or the utility at the request of the customer shall be defined as the arithmetic average of the percent registration at light load and at heavy load, giving the heavy load registration a weight of four and the light load registration a weight of one.

c) When a meter is found to have a positive average error, that is, is fast in excess of two percent in tests made at the request of the customer by either the Commission or the Utility, the Utility shall refund to the customer an amount equal to the excess charged for the kilowatt-hours incorrectly metered for a period equal to one-half of the time elapsed since the last previous test, but not to exceed ninety (90) days.

d) When a meter is found to have a negative average error, that is, is slow in excess of two percent in tests made at the request of the customer by either the Commission or the Utility, the Utility shall make a charge to the customer for the kilowatt-hours incorrectly metered for a period equal to one-half of the time elapsed since the last previous test, but not to exceed ninety (90) days.

e) If a meter is found to have an incorrect register ratio or multiplier, the error shall be corrected. Where the error is adverse to the customer, the City shall refund to the customer an amount equal to the excess charged for the kilowatt-hours incorrectly metered for the period of time the meter was used in billing the customer. Where the error is adverse to the City, the City shall make a charge to the customer for the kilowatt-hours incorrectly metered for the period of time the meter was used in billing the customer.

f) If the meter is found not to register, to register intermittently, or to partially register for any period, the City shall estimate a charge for the kilowatt-hours used by averaging the amounts registered over similar periods, or over corresponding periods in previous years or such other acceptable information available.

3.5 BILLING ERRORS IN WASTEWATER BILLING: Customers having effluent meters which have a positive average error in excess of three percent shall be entitled to refund for the gallonage incorrectly metered. Customers having effluent meters which have a negative average error in excess of three percent shall be charged for the gallonage incorrectly metered.

a) Customers who are incorrectly billed on the basis of water usage shall be entitled to refund for excess amount erroneously billed and shall be charged for insufficient amounts erroneously billed.

b) No refund or charge shall be made for a time period of more than ninety (90) days.

3.6 BILLING ERRORS: When a billing error is discovered, the customer shall be notified and the error corrected. Billing error adjustment shall not exceed ninety (90) days.

ADMINISTRATIVE UTILITY PROVISIONS

SECTION 4 – APPLICATION FOR ELECTRIC SERVICE

4.1 APPLICANT REQUIREMENTS: The City requires every prospective electric utility customer to sign an application for service on forms available at the Utility Office. Said application shall indicate the type of service, the date on which service connection is desired, and any other information required by the utility. The application itself shall in no way obligate the City to serve such an applicant with any service rendered by the City. For large commercial and industrial services, a special written agreement may be required. In the absence of a signed agreement or application for service, the delivery of electric service by the City and the acceptance thereof by the customer shall be deemed to constitute an agreement hereunder.

4.2 FINANCIAL RESPONSIBILITIES: The service connection at any location under any schedule of rates shall be preceded by a signed application for service at the Utility Office. Notwithstanding the foregoing, at the City's sole discretion, applications for utility service may be accepted by telephone. Approval of an application by the City and acceptance of utility service by the consumer shall constitute a contract between the consumer and the City whereby the consumer shall agree to pay the City for utility service in accordance with the applicable rate schedule and to abide by these rules and regulations which form the basis of the contract. This contractual obligation of the consumer may not be assigned without the prior written approval of the City. The property owner of the premises to be serviced, if different than the applicant, shall be jointly financially responsible for all utility services delivered to the premises, regardless of any change of tenancy or ownership. Accordingly, the City may require the property owner to sign the application for service. In the case of multiple services, separate applications shall be required for each service under the rate schedule applicable to such service. Meter readings shall not be combined for billing purposes, except when aggregated readings are available and deemed appropriate by the City.

ELECTRIC DEPARTMENT PROVISIONS

SECTION 5 – RESIDENTIAL

5.1 AVAILABILITY: Available in all territory served.

5.2 APPLICABILITY: Applicable to all residential consumers for all domestic purposes at the available voltage and phase of the City’s distribution system.

5.3 MONTHLY RATE:	<u>Inside City</u>	<u>Outside City</u>
Customer Charge	\$9.25	\$9.25
Energy Charge per kWh	\$0.089	\$0.089

5.4 MONTHLY MINIMUM: \$9.25

ELECTRIC DEPARTMENT PROVISIONS

SECTION 6 – GENERAL SERVICE (SMALL)

6.1 AVAILABILITY: Available in all territory served.

6.2 APPLICABILITY: Applicable to all general service consumers for all lighting and small power purposes to a maximum of 15,000 kWh per month (or 50 kW maximum demand) at the available standard secondary voltage and phase of the City's distribution system.

6.3 MONTHLY RATE:	<u>Inside City</u>	<u>Outside City</u>
Customer Charge	\$9.25	\$9.25
Energy Charge per kWh	\$0.0944	\$0.0944

6.4 MONTHLY MINIMUM: Either 10% of highest bill during the previous eleven months or \$11.00 whichever is greater.

6.5 POWER FACTOR: Consumers receiving service under this rate schedule are expected to maintain, at the City's point of delivery, an average monthly power factor of 90% or better. If a low power factor is suspected the City may, at its option and expense, meter the power factor of any consumer served hereunder. The consumer will then be required to improve his average monthly power factor to 90% or better.

ELECTRIC DEPARTMENT PROVISIONS

SECTION 7 – GENERAL SERVICE DEMAND (LARGE)

7.1 AVAILABILITY: Available in all territory served.

7.2 APPLICABILITY: Applicable to all general service consumers for all lighting and power purposes at the available standard secondary voltage and phase of the City's distribution system.

7.3 MONTHLY RATE

a)	<u>Inside City</u>	<u>Outside City</u>
Customer Charge	\$75.00	\$75.00
Demand, First 850 kW	\$6.00	\$6.00
Excess Demand, kW	\$2.75	\$2.75
Energy, kWh	\$0.0655	\$0.0655

b) Monthly Minimum. The customer charge plus 75% of the highest monthly demand during the previous eleven months multiplied by the above demand rate, plus any energy multiplied by the energy charge.

c) Monthly Level One. The customer charge for demand usage would be the usage multiplied by the demand charge per kW.

d) Single Point. Calculations would be based upon each meter individually. Demands for more than one meter would not be added together for the same customer.

7.4 POWER FACTOR ADJUSTMENT CLAUSE: Consumers receiving service under this rate schedule are expected to maintain, at the City's point of delivery, an average monthly power factor of 90% or better. For customers with average monthly power factors of less than 90%, the measured demand, for billing purposes, will be adjusted by dividing by the actual power factor and multiplying by 0.90.

ELECTRIC DEPARTMENT PROVISIONS

SECTION 8 – MUNICIPAL RATE

8.1 AVAILABILITY: Available in all territory served.

8.2 APPLICABILITY: Applicable to all services owned by the City of La Junta (including its utilities).

8.3 MONTHLY RATE:	<u>Inside City</u>	<u>Outside City</u>
Customer Charge	\$11.50	\$11.50
Energy Charge per kWh	\$0.060	\$0.060

ELECTRIC DEPARTMENT PROVISIONS

SECTION 9 – AREA, YARD AND STREET LIGHTING SERVICE (VAPOR LIGHTING)

9.1 AVAILABILITY: Available in all territory served.

9.2 APPLICABILITY: Applicable to area, yard and street lighting service by the Electric Department for electric supplied and owned equipment.

9.3 MONTHLY RATE: 150W High Pressure Sodium: \$9.90 per fixture

400W High Pressure Sodium, burning dusk to dawn: \$17.80
per fixture.

ELECTRIC DEPARTMENT PROVISIONS

SECTION 10 – COST RECOVERY RATES

10.1 AVAILABILITY: Available in all territory served.

10.2 APPLICABILITY: To offset the costs associated with the maintenance of distribution systems of utilities with the City, the Board of Utilities Commissioners determined that the following shall constitute the dormant utility user fees to be assessed to electric utility consumers who meet the definition of dormant user as defined herein.

10.3 MONTHLY RATE: Monthly minimum of \$9.25 per month.

ELECTRIC DEPARTMENT PROVISIONS

SECTION 11 – ELECTRIC COST ADJUSTMENT

11.1 AVAILABILITY: Available in all territory served.

11.2 APPLICABILITY: Applicable to all customers except vapor lighting customers.

11.3 ELECTRIC COST ADJUSTMENT: The consumer's monthly bill for electric service from the City will be adjusted for changes in the average cost of fuel per kWh generated, purchased, and sold by the City for the immediately preceding month as such costs vary from the base cost of \$0.060 per kWh. The monthly bill for electric service will be increased or decreased by the amount of variation in such cost to the nearest one thousandth of one mill per kWh multiplied by the ratio of the kWh sales from the City's generation and purchase to the total kWh sales.

ELECTRIC DEPARTMENT PROVISIONS
SECTION 12 – CUSTOMER OWNED GENERATING FACILITIES

12.1 AVAILABILITY: Available in all territory served.

12.2 APPLICABILITY

a) The following rates shall apply to customer-owned generating facilities with capacity less than 100 Kilowatts designed capacity. Such facilities must comply with the City’s Electric Services Rules and Regulations No. Part III – Section 8 in order to qualify for this rate.

b) Firm power shall be defined as power that can be exactly interchangeable with the City’s current resources, either owned or purchased.

c) Non-firm power shall be defined as that power which is available to the City on a random basis and no schedule or control shall be available for such power.

d) Such determination shall be made by the City after reviewing the character of such power generated with respect to reliability, scheduling, availability, terms and conditions, scheduled outages, system emergencies and other factors which the City shall deem relevant.

12.3 RATES: The following rates shall apply to the power produced by a qualifying facility on a monthly basis:

Type of Power

- 1. Firm \$.02390/kWh Demand \$0.00
- 2. Non-firm \$.02390/kWh

ELECTRIC DEPARTMENT PROVISIONS

SECTION 13 – ELECTRIC TECHNICAL REQUIREMENTS

13.1 METERING REQUIREMENTS: A separate service and meter is required for each dwelling unit, commercial, or industrial account, with only one service drop to each building.

13.2 SERVICE ENTRANCE METERING PROVISIONS

a) The customer shall provide a suitable entrance to the premises at the point of easiest access to the City distribution lines. The City will provide the necessary wiring and meter up to this point. Such entrances shall be continuous and free from the possibility of unwarranted tampering or interference.

b) The customer shall furnish and install, in the exterior of the building, a suitable meter socket for the City's meter as part of the service entrance equipment. In locations where additions to the existing building would place a meter on the inside of the building, the meter shall be located elsewhere at the customer's expense so that it will be on the outside. Customer shall not construct fences or other obstructions around the meter without providing a means of free and easy access to the meter, nor shall the customer permit any condition to exist which would prohibit such access. Condition as used herein shall mean construction, vegetation or animals. Any remedial action necessary to provide free and easy access shall be at the customer's expense. When metering transformers are required, the customer shall furnish and install a suitable enclosure as specified by the City. Meter sockets shall be placed in locations that are always accessible and will afford proper protection against damage to the City's meter. Unless special permission is obtained, the meter socket shall be located 5 ½ feet above the ground, floor or platform. All new or rewired permanent services shall be at least 208 volts. No plumbing, gas, oil supply, or other equipment shall be installed under the meter. No person shall connect or disconnect any wire within the City's electric system unless he is authorized to do so by the Electric Superintendent.

13.3 CUSTOMER'S WIRING STANDARD: All wiring by customers must conform to State and City requirements and accepted modern standards, as exemplified by the National Safety Code and the National Electric Wiring Code.

13.4 INSPECTIONS: The City shall have the right to inspect any installation before electricity is delivered and periodically at any later time, and reserves the right to reject and discontinue service to any wiring not in accordance with the City's standards; but

such inspection or failure to inspect or reject shall not render the City liable or responsible for any loss or damage resulting from defects in the installation, wiring and appliances, or from violations of the City's rules, or from accidents which may occur on the customer's premises. Inspection by the proper inspecting authority is required before service is rendered.

13.5 RIGHT OF ACCESS: The City's identified employees shall have free and easy access to customer's premises at all times for the purpose of inspecting wiring and devices, reading meters, testing, repairing, removing, or exchanging any and all equipment belonging to the City. The customer will be responsible for removal of any physical obstruction or deterrent to any of the above functions upon written request by the City.

13.6 ELECTRIC CONTRACTOR'S RESPONSIBILITY

- a) To do all wiring in accordance with both City and State Electrical Code requirements.
- b) To consult with the City Electric Department regarding the location and requirements of each installation PRIOR to starting work.
- c) To give adequate notice to the City before work is started so that the City will have time to make connections without inconveniencing the customer.

13.7 CUSTOMER'S RESPONSIBILITY FOR CITY'S PROPERTY: All meter, instrument transformers, service connections, and other equipment furnished by the City shall be and remain the property of the City. Customer shall provide a space for, and exercise proper care to protect the property of the City on its premises; and in the event of loss or damage to the City's property arising from negligence by customer; the cost of the necessary repairs or replacements shall be paid by the customer. Customer shall not permit any person to connect, disconnect, or reconnect discontinued service without City approval.

13.8 RE-CONNECTION CHARGE: Whenever service has been discontinued by the City, as provided above, a reasonable charge will be made to cover the actual cost of labor and overhead.

13.9 TERMINATION OF CONTRACT BY CUSTOMER: Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days WRITTEN NOTICE to that effect, unless contract term will not relieve customer from any minimum or guaranteed payment under any contract or rate. NOTICE TO DISCONTINUE service by customer must be made at the Utility Office in the City Hall. (Intent to discontinue service given to an employee in the field is not valid).

13.10 SERVICE CHARGE FOR TEMPORARY SERVICE: Customer requiring service on a temporary basis may be required to pay all costs for connection and disconnection incidental to supplying and removing of service. The minimum charge shall be twenty dollars (\$20.00). This rule applies to seasonal fruit stands, field offices, carnivals, and contractor's construction meter assemblies.

13.11 VOLTAGE FLUCTUATIONS CAUSED BY CUSTOMERS: Electric service must not be used in such a manner as to cause unusual fluctuations or disturbances in the City's system. The City may require customer at his own expense to install suitable apparatus which will reasonably limit such fluctuations.

13.12 ADDITIONAL LOAD: The service connection, transformers, meter, and equipment supplied by the City for each customer have definite capacity, and no addition to the equipment or load connected thereto will be allowed except by the consent of the City. Failure to give sufficient notice of additions or changes in load and to obtain the City's consent for the same shall render customer liable for damage to any of the City's equipment caused by additional or changed installation.

13.13 NOTICE OF TROUBLE

a) Customer shall notify the City immediately should the electrical service be unsatisfactory or impaired. Refer to telephone directory for after duty numbers.

b) The City shall be responsible for making prompt repairs to the City's equipment which impairs electrical service or results in a hazardous condition. When a trouble call is made at a customer's request and it is determined that the cause is due to failure of customer-owned equipment or wiring, a charge will be made at the existing per man-hour plus cost of materials.

13.14 METER TESTS: The City will, at its own expense, make periodic tests and inspections of its meters in order to maintain a high standard of accuracy. The City will make additional tests or inspections of its meters at the request of the customer. If the test that is made at the customer's request shows that a meter is accurate within 2% slow or fast, no adjustment will be made in customer's bill and the testing charge of seven dollars and fifty cents (\$7.50) per meter will be paid by the customer providing the meter has been tested within the previous twelve months. If the meter has not been tested within the previous twelve months, no charge will be made. In case the tests show the meter error is in excess of 2%, slow or fast, the adjustment shall be made in the customer's bill over a period of not more than ninety (90) days prior to the date of such tests, and the costs of making the test shall be borne by the City.

13.15 LINE EXTENSION POLICY: Where service is required necessitating utility plant expansion which will cost the City Electric Department more than \$300.00, the City may require a separate service contract which guarantees a minimum amount of revenue annually or monthly. These payments will be based on an annual return of one-third of the City's original cost of installation. Nothing in the rate schedule published shall be construed as to obligate the City to render any service.

13.16 REACTIVE POWER CHARGE: Consumers are expected to maintain, at the City's point of delivery, an average monthly power factor of 90% or better. If a low power factor is suspected, the City may at its option and expense, meter the power factor of any consumer served hereunder. The consumer will then be required to improve his average monthly power factor to 90% or better.

13.17 ACROSS THE LINE STARTERS: No motor over 20HP shall be allowed to use across the line starters without specific consent of the Electric Department.

13.18 IRRIGATION SERVICE: All irrigation pumping installations must have a separate service and meter. Service cannot be combined with a residential or commercial service.

13.19 STANDBY AND RESALE SERVICE: All electric service (other than emergency) used on the premises of the customer shall be supplied exclusively by the City or only with written City approval. The customer shall notify the City of the installation of standby electrical generating equipment. Customer SHALL NOT SELL or otherwise dispose of the electric service.

13.20 TRAILER COURTS: Trailer courts may be served with each space separately metered and each space shall be on residential rate. The trailer court may be served through one meter provided no sub-meters are used and the City will supply service to this metered point only at a commercial rate.

a) Trailer courts are allowed to call into the office before the billing date for the cycle to report the number of units occupied during the month. The trailer court is then charged for that number of units on the water and sewer billing.

b) If the trailer court owner does not call in the number of units occupied, the City will bill as if 100% of the units were occupied.

13.21 TRAILER HOUSES NOT IN A TRAILER COURT: Trailer houses shall have a separate service and meter. Electric service will not be allowed through another residential or commercial building.

13.22 GENERAL INSTALLATION RULES

a) Before acquiring motors or other electric energy consuming devices or providing for the installation of electric wiring for same, the consumer or prospective consumer of electric service shall notify the Electric Department in ample time of its intent to ascertain if such motors or devices may be connected to the City's system under City rules and regulations governing electrical installations and if the Electric Department has electrical service of the desired phase, voltage and capacity available therefore, or whether extension and improvements of the City's system will be required, and to ascertain points of delivery for service and meter locations.

b) Only authorized employees of the City shall be permitted to make and energize the connection between the City's service wires and the consumer's service entrance conductors. The costs incurred by the Electric Department through any changes on consumer's premises shall be subject to reimbursement to the Electric Department by the consumer. Where service is supplied at primary voltages, the consumer shall provide, own, operate, and maintain all facilities beyond the point of delivery at the end of the primary service unless specific arrangements are made with the Electric Department to the contrary. If the consumer desires electric service at voltages either primary or secondary other than those available from the City's distribution system the consumer shall furnish, own and maintain all special transformers and special control and wiring occasioned thereby. If special metering shall be required in such cases, the costs thereof shall likewise be paid by the consumer. Such metering equipment, however, shall be and remain the property of the City and will be tested and maintained by the Electric Department. It shall be unlawful for the consumer to connect equipment, the operation of which is detrimental to service to other consumers served by the Electric Department, unless consumer shall, as approved by the Electric Department, install motor generators, isolation transformers or transformers and/or line capacity beyond that normally required, and all such remedial measures shall be paid by the consumer. At the request of the Electric Department, the consumer shall furnish and maintain indoor or underground space and facilities for the installation of the City's transformers and other equipment necessary to properly render electric service to the consumer.

13.23 UNDERGROUND SERVICE LINES: Upon the request of the consumer, the Electric Department will install an underground service from existing overhead distribution system provided the CONSUMER PAYS to the Electric Department an amount equal to the estimated cost of the underground service less the estimated cost of any equivalent capacity overhead service. Such payment shall not be subject to refund nor shall it be applied to payment of bills for electric service. Such underground

services shall remain the property of the City and shall be operated and maintained by the Electric Department excepting for damages caused by consumer. In the event of such damages, consumer shall pay the full cost of restoring the service to its original condition. Should an existing underground service previously installed as provided herein require relocation or replacement because of new construction or changes on consumer's premises or increased loads, the cost of such relocation or replacement shall also be at the expense of the consumer.

13.24 RESIDENTIAL SERVICE REQUIREMENT

a) All overhead residential service masts connected to the City lines shall be of the periscope type. The mast shall be guyed if the service exceeds eighty (80) feet. The mast shall be of sufficient height to allow the City service conductor to have adequate clearance over the roof, but in no case shall the clearance be less than three (3) feet. The mast shall be a minimum size of two (2) inches in diameter and shall be rigid galvanized conduit.

b) An exception to this rule is that when service is to be installed on the gabled end of a building the service support will be a minimum of thirteen (13) feet and of sufficient strength to support the City service conductor.

13.25 POLE ATTACHMENTS: Attachments to City poles on lighting standards shall not be permitted except upon specific written authority of the Electric Department. The attachment of radio or TV antennae is specifically prohibited. Attachments of communications circuits such as telephone or community antennae systems may be made provided a joint use contract has been entered into between the City and those desiring to make such attachments.

13.26 TREE INTERFERENCE: The consumer shall permit the City to trim the limbs and tops of trees to the extent that such trimming shall be reasonably necessary to avoid interference with the City's lines. The consumer shall be responsible for such trimming of trees as may be necessary to avoid interference with the City's service wires running from the City's distribution poles to the point of delivery on consumer's premises.

13.27 APPLICATION RESPONSIBILITY: By making application for electric service, the consumer agrees to grant or arrange for an easement on consumer's property for installation, operating and maintenance of electric lines, wire, and other equipment of the City necessary to render service. The consumer, when requested by the City, shall without expense to the City, make or procure conveyance to the City of satisfactory right-of-way easements across the property owned or controlled by the consumer for the City's lines or extensions thereof necessary or incidental to the furnishings of service to the consumer. If such installation must be made on or over the property of a

third party, the consumer shall obtain the necessary easement for the City from the third party before the installation is made and service rendered. If, after service is originally rendered, the consumer shall divide his property in such a manner that part of it no longer has access to the right-of-way of the City's distribution system, the consumer shall reserve an easement for the benefit of the City so that the City may render electric service to such isolated part when desired.

13.28 SERVICE USE

a) The consumer shall make exclusive use of service provided by the City and no other source of electric energy shall be connected to any installation which in turn is connected to the City's electric distribution system. This does not preclude the use of emergency generating systems owned by the consumer provided switching arrangements are installed to prevent the possibility of the emergency generator and the City's service being connected to the load simultaneously. No emergency generating system shall be installed unless it has been **APPROVED BY THE ELECTRIC DEPARTMENT PRIOR TO SUCH INSTALLATION.**

b) Electric service shall be furnished for the sole use of the consumer at the premises designated in the service application and contract and consumer shall not directly or indirectly sell or otherwise dispose of such service to any other person or persons. The City reserves the right to refuse to furnish electric service to any consumer where such service is to be resold to others. In the event that such resale comes to the attention of the City, the City shall have the right to either discontinue the service to the consumer or to furnish service directly to the sub-consumer.

13.29 SERVICE RELIABILITY

a) The City does not guarantee uninterrupted electric service and shall not be liable for interruptions due to maintenance functions considered necessary or to causes or contingencies beyond the control of the City including but not limited to accidents, breakdown of equipment, acts of God, floods, storms, fires, strikes, riots, war or authority and order of Government, shortage of supply or for disconnection because of unsafe wiring, operating of equipment detrimental to other users, nonpayment of bills for service or diversion of electricity.

b) The City shall not be liable to consumers for any injury, loss or damage occasioned by any interruptions arising from the foregoing causes. Such interruptions shall not relieve the consumer of payments for service under applicable rate schedules.

c) If the City installs more than one service loop or connection to a single premise or property, it shall be connected to the same general delivery point to facilitate disconnection of the property in the event of fire or other emergency. If the property of the consumer does not abut on the right-of-way of the City's distribution system, it shall be the consumer's responsibility to provide adequate easements or bring his wiring to a point designated by the City.

d) CONTINUITY OF SERVICE: The City shall use reasonable diligence at all times to provide continuous service at the agreed nominal voltage, and shall not be liable to the consumer for complete or partial failure or interruption of service, or for fluctuations in voltage, resulting from any cause. The consumer shall be responsible for taking whatever precautions the consumer deems appropriate in order to protect against interruptions of service or fluctuations in voltage, provided that such precautions do not conflict with these rules and regulations.

e) SHORTAGE OF ELECTRICITY: The City shall make every reasonable effort to furnish a continuous supply of electricity to meet the consumer's demands. However, should shortages occur by reasons of acts of God or causes beyond the immediate control of the City, the City shall have the right to grant preference to those present and future services which in its opinion are the most essential to the public's welfare. The City shall not be held liable for damages, including monetary loss or loss of business, from shortages in supply of electric energy.

f) Uses of electrical energy on the premises of the consumer are at the risk of the consumer, and the responsibility of the City shall cease at the point of delivery of electrical energy.

ELECTRIC DEPARTMENT PROVISIONS

SECTION 14 – CONNECTION WITH CO-GENERATION AND SMALL POWER PRODUCERS

14.1 GENERAL

- a)** The City shall interconnect and operate in parallel with qualifying co-generators and small power producers as defined in the Federal Energy Regulatory Commission's (FERC) Regulations, 18 CFR 292. Such facilities shall be termed "qualifying facilities."
- b)** The City will purchase the power output of such facilities or, upon agreement of the City and qualifying facilities, provide wheeling service to an adjacent utility that the owner of the qualifying facility has made prior contractual arrangements with for receiving of such power.
- c)** Nothing in these rules and regulations shall limit the City's ability to evaluate such qualifying facility and determine terms and conditions that are mutually satisfactory to all parties and in no way shall be detrimental to the operation of the City's facilities and customers.

14.2 CONDITIONS OF INTERCONNECTION

- a)** The City shall allow interconnection between its facilities and qualifying facilities on a continuing basis as long as the parallel operation of the qualifying facility does not degrade, in any way, the quality of the electric service provided to the City's other customers. The qualifying facility shall insure that its operation in no way creates unsafe conditions either at its facility or on the City's facilities.
- b)** The owner of the qualifying facility shall enter into a written agreement with the City for the interconnection, sale or wheeling of its power prior to actual connection and operation of its facilities. The City may waive this requirement in specific instances.
- c)** The qualifying facility shall comply with all requirements of the National Electrical Safety Code, American National Standards Institute (ANSI), Institute of Electrical and Electronic Engineers (IEEE), American Society of Mechanical Engineers (ASME), the National Electric Code, and all local, State and Federal rules and regulations or codes which may be applicable.

14.3 INTERCONNECTION

- a)** The owner of the qualifying facility shall, to the point of interconnection, furnish, install, operate and maintain in good repair and without cost to the City such relays, locks and seals, breakers, automatic synchronizers and other control and protective equipment as shall be designated by the City as suitable for operation of such a facility.
- b)** The owner of the qualifying facility shall provide at no cost to the City a manually operated and lockable, visual disconnect device that shall be for the exclusive use of the Utility and accessible by City to switch or fuse cutouts located near the point of interconnection.
- c)** The protective switching equipment outlined above in paragraph (b) may be operated without notice or liability by the City or City representative if, in the opinion of the City or its representative, continued operation of the qualifying facility in connection with the City's system may create or contribute to a system emergency or safety hazard. The City shall endeavor to minimize any adverse effects of such operation on the qualifying facility.
- d)** Any costs of interconnection which are over and above the interconnection costs that would be incurred due to the connection of a comparable non-generating customer and which are incurred by the City due to interconnection of the qualifying facility shall be the responsibility of the qualifying facility.
- e)** The City shall be advised of the proposed start-up and parallel time for such facilities and a City representative shall be in attendance and shall approve parallel operation.
- f)** The City shall have the right to continually inspect the qualifying facility. Approval of interconnection is for the City's sole use and is not a warrantee that the facility is correctly constructed or a safe operation.

14.4 PROTECTIVE RELAYING

- a)** All generating units must be equipped with short circuit interrupting devices consisting of thermal-magnetic over-current devices on each phase as well as under voltage release and solenoid tripping accessories.
- b)** Over and under voltage and frequency protection shall be provided to effectively isolate the qualifying facility from the City's facilities should its power output not be within the City's normal operating tolerances. The normal tolerances for under and over voltage are 80% with ten (10) second time delay and 120% with no time delay of normal. Under and over frequency limits are 58

Hz and 62 Hz with one second time delay. Frequency relays are not required for solid state invertors which are line commutated.

c) For qualifying facility's primary, ground fault sensing equipment shall be required to isolate the qualifying facility from the City's facilities unless otherwise specified by the City. The City may require additional protection.

14.5 POWER FACTOR: The power output of the qualifying facility must approach a unity power factor when operated in parallel with the City's facilities. Equipment shall be installed to correct any deficiencies in power factor by the owner of the qualifying facility at the owner's expense. Minimum power factor will be 95%.

14.6 METERING

a) The City shall provide metering equipment to record all power delivered to the qualifying facility's load. Such load may consist of not only the qualifying facility but also the customer's load had he not installed a qualifying facility.

b) The owner of the qualifying facility shall install metering as required by the City's rules and regulations to record all power produced by such facility.

c) Metering equipment for firm power sales to the City shall consist of the appropriate kilowatt-hour meter, Q-meter, current and voltage transformers, and all necessary installation equipment. It shall also include a demand recorder capable of producing a record of three inputs. Such meters, recorder, and related equipment shall be designated by the City. The owner of the qualifying facility shall provide and dedicate to the City such equipment and shall be responsible for the continuing administrative costs related to such equipment.

d) Metering equipment for non-firm power sales to the City shall consist of the appropriate kilowatt-hour meter, current and voltage transformers, and all necessary installation equipment. Such metering equipment shall be designated by the City. The owner of the qualifying facility shall provide and dedicate to the City such equipment and shall be responsible for the continuing administrative costs related to such equipment.

e) The City shall own and maintain all necessary meters and associated equipment utilized for billing and monitoring the customer's load.

14.7 SYSTEM DISTURBANCES

a) Disturbances to the City's facilities shall be minimized to the greatest extent possible. Such disturbances shall include but not be limited to lagging or leading power factors, unacceptable voltage regulation, voltage flicker, and harmonics.

- b) The qualifying facility will install facilities to minimize disturbances.
- c) The City may disconnect the qualifying facility upon failure to protect the City's facilities.

14.8 DAILY REPORTING

- a) The owner or operator of a qualifying facility shall maintain a daily operations log for all facilities. Such log shall contain information on unit parallel and separation times, maintenance outages, trip operation, and other unusual events. kW operating level may also be required.
- b) The City shall have the right to periodically review these logs.

14.9 ADVANCE PAYMENT

- a) The qualifying facility shall pay an advance payment to the City for the City's incurred cost of interconnection facilities.
- b) The estimated cost will be reconciled with the actual cost after final construction is complete.

14.10 SALES TO QUALIFYING FACILITIES

- a) Power shall be provided to qualifying facilities on a nondiscriminatory basis. The qualifying facility shall be provided service under the appropriate general service schedule and applicable rules and regulations.
- b) Should the qualifying facility's load also contain other non-related loads, such load shall also be served on the appropriate general service schedule.
- c) The City may discontinue sales to the qualifying facility during a system emergency, providing that such discontinuance is on a nondiscriminatory basis.
- d) The City will provide backup or maintenance power at a rate to be determined later.

14.11 RATES FOR PURCHASES FROM QUALIFYING FACILITIES

- a) Rates for purchases from qualifying facilities under 100 kW designed capacity will be as designated in the City's standard rates for such facilities.
- b) The standard rates for purchases from qualifying facilities shall be based on the City's "avoided cost." The City's avoided costs shall be determined annually from the current budget year data for purchase power assuming a reduction in the total amount of purchased power required due to qualifying facilities.

- c)** Rates for qualifying facilities over 100 kW designed capacity shall be based on avoided costs and shall be negotiated by the City.
- d)** Such rates may be adjusted for the qualifying facility's effect on the City's system losses, administrative costs, dispatchability, reliability, term of contract, and other factors which impact the Utility's costs.
- e)** The City shall review annually its avoided costs as determined above and publish standard rates for purchase.

14.12 WHEELING

- a)** Should the owner of a qualifying facility request the City to wheel its power to an adjacent facility, the City may do so at its option.
- b)** If the City agrees to wheel such power, a charge may be made to the qualifying facility for interconnection costs, any modifications to the City's facilities to accommodate such wheeling, use of the City's facilities to wheel, and any associated administrative costs.
- c)** The amount of power wheeled may be increased or decreased according to the effect on the City's system losses due to wheeling.

14.13 LIABILITY

- a)** The qualifying facility shall defend, indemnify, and hold harmless the City from all liability arising from the operation and interconnection to the qualifying facility. The qualifying facility shall bear full responsibility for the installation and safe operation of the equipment required to generate and deliver energy or capacity and energy to the point of interconnection.
- b)** The owner of a qualifying facility shall maintain worker's compensation insurance as required by law and public liability insurance covering bodily injury and property damage in an amount not less than \$5,000,000 per occurrence. Each public liability policy shall name the City as additional insured. Additional coverage may be required by the City.
- c)** The City shall not be liable whether in contract or in tort or under any other legal theory to the owner of a qualifying facility, the owner's customers, or any other person or entity for:

1. lost generation revenue;
2. loss of use revenue or profit;
3. cost of capital;
4. substitute use or performance, or;
5. for any other incidental, indirect, special, or consequential damages.

14.14 SPECIAL CONDITIONS

a) The amount of capacity supplied to the City by a qualifying facility shall be determined by the metered capacity at the time of the City's monthly purchased power peak. In the event that the City does not purchase any demand in a given month, the capacity supplied shall be determined at the time of the City's monthly system peak.

b) Adjustments shall be made to the quantity of power delivered to the City to account for the effect of and on losses and for administrative costs associated with the facility.

WATER DEPARTMENT PROVISIONS

SECTION 15 – WATER RATES INSIDE CITY LIMITS

15.1 METERED RATES INSIDE CITY LIMITS: All private water services inside the City limits as now exists or as may subsequently exist shall be metered and subject to the monthly rate schedule set forth herein.

15.2 CHURCHES AND CHARITABLE INSTITUTIONS: All churches shall be metered and charged the prevailing metered rates. Charitable institutions shall be metered and charged the prevailing metered rates.

15.3 MISCELLANEOUS SALES: Tank Trucks. At the discretion of the City, water may be sold to tank trucks. Trucks must be loaded at the location(s) designated by the City. Where required by the City, hydrant meters must be used. Fees and charges on approved sales shall be as follows:

Refundable deposit on hydrant meter	\$2,500.00
Connection fee	\$ 40.00
Monthly customer charge	\$ 25.00
Charge per 1,000 gallons	\$ 4.68

15.4 HYDRANT METER DEPOSIT: The deposit for the hydrant meter will be refunded when the meter is returned to the City, except that deposit on any hydrant meter not returned within twelve (12) months will be forfeit to the City.

WATER DEPARTMENT PROVISIONS

SECTION 16 – TECHNICAL STANDARDS WATER TAPS INSIDE CITY LIMITS

16.1 GENERAL REQUIREMENTS FOR WATER TAPS

- a) Application shall be made on the prescribed form and shall include a description and street address of the property to be served.
- b) Tapping shall be performed by authorized Water Department personnel only. Tapping by unauthorized personnel is a violation of these rules and the violator will be prosecuted.

16.2 SCHEDULE OF WATER TAP FEES: For each new tap for connection of service to the water supply system of the City, a fee will be charged for the right to service. The required tap fees for new water service inside the City limits shall be as shown herein.

16.3 STANDARD RESIDENTIAL TAPS: All new taps for residential service shall be a minimum of ¾ inches in size.

16.4 CONDOMINIUMS AND MULTIPLE DWELLING UNITS: Applicants for new water tap service for condominium units, either commercial or residential, multiple dwelling units, and mobile home sites shall pay a separate tap fee for each unit and shall be required to have installed a separate meter for each unit.

16.5 APPLICATION FEE – WHEN DUE: The tap fee will be due and payable to the Utilities Department upon application made to the Utilities Department for service and prior to the installation of a meter. The applicant for service, at the time of making his application for a new tap, must have either a structure ready for service or a valid City building permit. A building permit which has been cancelled or allowed to expire from non-use shall not be valid for the purpose of this paragraph. All time and materials charges will be billed after the tap has been made.

16.6 CUSTOMER CHARGE: The monthly customer charge is determined by LINE SIZE. Irrigation meters will be charged for actual usage only and no customer charge shall be assessed.

<u>Line Size</u>	<u>Monthly Fee</u>	<u>Line Size</u>	<u>Monthly Fee</u>
¾ Inch	\$ 9.22	3 Inch	\$ 147.52
1 Inch	\$16.32	4 Inch	\$ 261.85
1 ½ Inch	\$36.88	6 Inch	\$ 590.09
2 Inch	\$65.46	8 Inch	\$1,049.24

16.7 COMMODITY CHARGE: The charge for water used that does not exceed the Water Conservation Limits shall be \$2.50 per each 1,000 gallons for all customers. The charge for water used in excess of the Water Conservation Limits shall be \$3.00 per 1,000 gallons.

WATER CONSERVATION LIMITS

Residential (any size meter)	30,000 gallons
Commercial	
¾" meter	30,000 gallons
1" meter	53,000 gallons
1 ½" meter	120,000 gallons
2" meter	213,000 gallons
3" meter	480,000 gallons
4" meter	852,000 gallons
Larger than 4" meter	1,920,000 gallons

16.8 DROUGHT CHARGE: The commodity charge for residential accounts will increase to \$3.00 after 15,000 gallons whenever Stage 2 or Stage 3 water restrictions are in force.

16.9 IRRIGATION METERS: New irrigation taps will not be provided after January 1, 2002. Whenever the ownership of an account with an existing irrigation meter changes ownership, the irrigation meter on that account will be eliminated. All new accounts and taps will be assessed rates as a regular meter account.

16.10 FACILITY INVESTMENT FEES: The following flat monthly charge will be assessed in addition to the regular use fees as listed above, except that all residential accounts will be charged the ¾ inch monthly fee. Outside City limits doubling of fees shall not apply to this fee, but remains in effect for all other charges.

<u>Line Size</u>	<u>Monthly Fee</u>	<u>Line Size</u>	<u>Monthly Fee</u>
¾ Inch	\$ 17.00	3 Inch	\$ 272.00
1 Inch	\$ 30.09	4 Inch	\$ 482.80
1 ½ Inch	\$ 68.00	Over 4 Inch	\$1,088.00
2 Inch	\$120.70		

16.11 OUTSIDE CITY RATES: The above charges and fees shall be doubled for outside the City limits, except for Sales to a Public Water system.

16.12 WATER TAPPING FEES: These charges are for tap fees only. Time and materials will also be charged, with time being charged for man and equipment hours plus the materials used in the hookup.

<u>Size of Line</u>	<u>Tap Fee</u>
¾ Inch	\$ 1,755.00
1 Inch	\$ 3,106.00
1 ½ Inch	\$ 7,020.00
2 Inch	\$12,500.00
4 Inch	\$49,800.00

WATER DEPARTMENT PROVISIONS

SECTION 17 – WATER RATES OUTSIDE CITY LIMITS

17.1 METERED RATES OUTSIDE CORPORATE LIMITS: Water furnished by agreement with the City to users outside the corporate limits shall be metered and subject to a rate double the applicable in-city rate.

WATER DEPARTMENT PROVISIONS

SECTION 18 – PRICING AND SALE OF WATER TO CERTAIN OUTSIDE-OF-CITY AND INSIDE-OF-CITY WATER USERS

18.1 FEES TO BE CHARGED: Fees charged to any water customer of the City who is without a City sewer connection shall be assessed the following additional service fees:

- a) Any water customer that has that customer's own wastewater disposal system or is otherwise not connected to the City's wastewater treatment plant must supply well-pumping replacement water at a rate equal to the gallons of City water metered and delivered to that customer.
- b) If such customer is unable to provide replacement water to the City as required in Section 1 above, then that customer shall pay a surcharge of \$.37 per 1,000 gallons, in addition to all other fees properly imposed or assessed.
- c) This additional rate shall apply to both inside-city limits customers and outside-city limits customers.

18.2 EXCEPTIONS TO THE REPLACEMENT WATER SURCHARGE

- a) Any customer who assigns to the City a properly transferrable water right suitable to be used by the City in its water augmentation plan and in an amount equal or greater than the actual water metered and delivered to the customer which may be used by the City as part of the City's well augmentation plan. The customer must bear all expenses in obtaining any court or administrative agency approval of the transfer. At the customer's expense, the water right may be returned to the customer upon cessation of delivery of City water.
- b) If any outside-city limits or inside-city limits customer is currently using City water through an approved City hookup and tap, but is not connected to the City's wastewater system as described above as of the date of this resolution, then this surcharge shall not apply for a period of two years hereafter.

WATER DEPARTMENT PROVISIONS

SECTION 19 – TECHNICAL STANDARDS FOR WATER TAPS OUTSIDE CITY LIMITS

19.1 GENERAL REQUIREMENTS FOR WATER TAP FEES OUTSIDE THE LA JUNTA CITY LIMITS: The City will provide water service outside the City limits upon the following terms and conditions:

- a)** Persons desiring service will pay all the costs of any line extension. Any extension by other than City crews will be in accordance with City specifications, including but not limited to location, depth, size and quality of pipe.
- b)** Persons receiving utilities service outside the City shall pay double inside City rates for service and tap fees or a payment in lieu of taxes at the option of the City.
- c)** Any person desiring service outside the City limits shall, prior to receiving service, sign an agreement that in the event his property shall become eligible for annexation, that he will cause the same to be annexed to the City. Said owner shall sign a power of attorney appointing the City Clerk as his attorney-in-fact who will sign a petition for annexation in the event he shall fail to sign the petition for annexation within six (6) months after the said property becomes eligible for annexation. The agreement shall be recorded and shall be a covenant running with the land, binding the original owner or owners and his or their grantees.
- d)** No additional outside water service will be permitted when the City's daily pumping rate is seven million gallons per day based upon a thirty (30) day average.

19.2 SCHEDULE OF WATER TAP FEES

- a)** For each new tap connection of service outside the corporate limits of the City, a fee will be charged for the right to service. The required tap fees for new water service outside the City limits shall be double the fees for inside City limits tap fees as set forth herein.
- b)** In addition, time and materials will be charged as set forth herein.

19.3 SEPARATE METERING: Each and every premise that is approved for new outside City limits water service must receive water through a separate meter and be

billed a separate tap fee for each premise. The City will not permit any new taps that require the master metering of water for more than one premise.

19.4 CONDOMINIUMS AND MULTIPLE DWELLING UNITS: Applicants approved for outside City limits water service to condominium units, either residential or commercial, multiple dwelling units, and mobile home sites shall pay a separate tap fee for each unit and shall be required to have installed a separate meter for each unit.

19.5 CHANGE IN SERVICE: No refund shall be made to any customer for a decrease in size of service or abandonment of service.

19.6 LINE INVESTMENT FEE: Each and every premise that is approved for new outside City limits water service that is serviced by the water line running from the City water tower directly south and parallel to Highway 109 to the approximate location of the Prairie View Subdivision site located 1.5 miles south of the current existing City limits on Highway 109, shall pay the sum or \$2,000.00 as a “line investment fee.” Said sum shall be a one-time fee, and shall be required of any persons requesting a tap onto said water line. Each residence facility must maintain a separate meter and shall be billed for a separate line investment fee. Said fee shall be in addition to any normal tap fees and any normal water charges currently assessed. No refund shall be made to any current customer for future taps. Said line investment fee shall be in addition to any costs currently billable to the user pursuant to the current existing policy of the La Junta Municipal Utilities to include tap fees, inside/outside services, time and materials incurred in the installation of taps, and any other cost as provided in these policies.

WATER DEPARTMENT PROVISIONS

SECTION 20 – COST RECOVERY RATES

20.1 AVAILABILITY: Available in all territory served.

20.2 APPLICABILITY: To offset the costs associated with the maintenance of distribution systems of utilities with the City, the Board of Utilities Commissioners determined the following shall constitute the dormant utility user fees to be assessed to consumers who meet the definition of dormant user as defined herein.

20.3 RATE

Facility Charge	\$17.00
Plus base charge	\$ 9.22
Total	\$26.22 per month

WATER DEPARTMENT PROVISIONS

SECTION 21 – MAINTENANCE OF WATER SERVICE LINES

21.1 INSTALLATION: Upon request of the property owner, the City shall install the service line from the main to and including the meter which will be located at least one foot inside the curb line. The property owner will be charged time and materials for this connection as described herein. In addition, the customer must bear the cost of any work needed to repair streets, gutters, and curbs which may be damaged by such installation.

21.2 RESPONSIBILITY FOR MAINTENANCE: The City shall be responsible for the repair and maintenance of the service line from the main to the shut-off valve located one foot inside the curb. The City shall also be responsible for the repair and maintenance of the meter even if not located at the above prescribed location.

21.3 ABANDONMENT: When water service is abandoned and/or building being served is razed, the customer's service shall be disconnected at the curb valve and the meter shall be removed with the cost being borne by the property owner. At the time a new service is connected, the property owner must comply with the current standards for service with the applicable costs of connection being borne by the property owner.

21.4 SURRENDER OF TAP: When water service is voluntarily surrendered by the customer, the customer's service shall be disconnected at the curb valve and the meter shall be removed with the cost being borne by the property owner. At the time a new service is connected, the property owner must comply with the current standards for service with the applicable cost of connection being borne by the property owner.

WATER DEPARTMENT PROVISIONS

SECTION 22 – WATER METERING AND ADMINISTRATIVE PROCEDURES

22.1 GENERAL: Each premise shall be served by separate metering and all water furnished to a premise, including the property on which it is located shall be metered. A premise is defined as being:

- a) A building occupied by a family unit and used for residential purposes.
- b) A building occupied by a single business entity and used for business or commercial purposes.
- c) A single tract of land upon which areas are rented for occupancy by mobile homes for residential purposes.
- d) A building or group of contiguous buildings located on a single tract of land and used for industrial purposes by a single entity. For purposes of this section, an industrial user is defined as a public institution supported principally by public funds; or any processing, mining, manufacturing, refining; or building construction, road construction, highway, railroad, and air transportation services; or storage and warehouse services.
- e) Any other structure, public or private, the use or occupancy of which requires water and water service.
- f) Each and every premise must receive water service through a separate meter and be billed as a separate account. The City shall permit no master metering of water unless the master metering was approved by the City prior to January 1, 2015. Where water was supplied through one meter to one or more premises prior to January 1, 2015, such service may be continued. Any violation shall be just cause for discontinuance of water service to any property either violating this requirement or permitting it to be violated.

22.2 INTERCONNECTION OF PREMISES PROHIBITED: A water line cannot be extended from one premise to another without permission of the City. If a water line is extended without written permission of the City, water service to the premise having prior service will be discontinued by the City unless the water line interconnecting the two structures is removed.

22.3 PERSONS USING WATER FROM THE CITY DEEMED TO HAVE AGREED TO THE TERMS OF THE RULES AND REGULATIONS: Every person using water from the City'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 Water Department to discontinue water service without notice in the event of the failure of such consumer to make timely payment of all rates and charges fixed and established in these rules and regulations or to otherwise comply with the terms and provisions of these rules and regulations.

22.4 MONTHLY BILLS

a) Metered water service shall be billed on a monthly cycle basis and the amount shall represent the difference in meter readings in 1,000 gallon units.

b) Should the Water Department be unable to read the meter or meters for one or more months, the Water Department will presume that the consumption registered by the meter subsequent to the last previous meter reading was utilized during two or more intervening months in proportion to the customer's previous consumption. If the next reading shows that the bill for the amount of water delivered since the last previous meter reading computed on the published water rates is at least as much as the minimum charge for each month that has passed since the last previous meter reading, then the customer agrees to pay the minimum charge for each month since the last regular reading. However, failure to receive a bill in no way exempts the customer from payment for service rendered.

22.5 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 a premise should ascertain whether the water account is paid to date when a tenant vacates. Delinquent bills shall be paid by the property owner.

22.6 WATER TURN-ON AND TURN-OFF

a) Upon request of the consumer, the Water Department will turn the water off for a metered customer. For each turn-off or turn-on of service during regular working hours, the charge to the consumer shall be \$15.00. For each turn-off or turn-on outside the regular working hours, the charge to the consumer shall be \$30.00.

b) In the above, the "regular work hours" shall mean from 8:00 a.m. to 3:00 p.m., Monday through Friday, excluding holidays.

c) If water service had been turned off to a particular water customer and a subsequent reading of the meter reveals that water has passed through the meter, the Water Department will presume that the consumption registered by the meter subsequent to the meter reading at turn-off was utilized during the intervening time period in proportion to the customer's previous consumption before turn-off. The customer will be billed the appropriate rate for each month from the time the meter was turned off until the time the new reading was taken.

22.7 WHEN WATER SERVICE TO A CONSUMER MAY BE SHUT OFF WITHOUT

NOTICE: Water service may be shut off to any consumer by the Water Department without notice if such consumer shall tamper or in any way interfere with any meter, connections, valves, or other appurtenances belonging to the City or for any violation by a consumer of the terms of these rules and regulations or any applicable ordinance of the City or of the statutes of the State. The customer shall be charged the turn-on and turn-off charges listed in 22.6 whenever water is shut off under the provisions of this section.

22.8 WHEN FLOW OF WATER IN MAINS MAY BE SHUT OFF; WATER DEPARTMENT NOT LIABLE FOR NECESSARY INTERRUPTIONS OF SERVICE:

In instances where public health, safety or welfare so requires, the Water Department shall have the right to shut off the flow of water in its mains without notice but will endeavor insofar as possible to notify consumers affected of the intention to interrupt the service. Interruption of service under such conditions shall not give rise to any claim on the part of any consumer against the Water Department of the City.

22.9 AUTHORITY TO REFUSE TO DELIVER WATER WHEN CONTAMINATION OF SUPPLY MAY RESULT:

The City may refuse to deliver water to any premises whereon any condition exists which might lead to the contamination of the public water supply and may continue to refuse such delivery of water to any such premises until such condition is remedied.

22.10 METER CHANGE REQUESTED BY CUSTOMER:

Any request by a customer to either increase or decrease the size and/or number of meters serving a property or premise, if approved by the Water Department, shall be accomplished on a time and materials basis with the total cost being borne by the customer.

WATER DEPARTMENT PROVISIONS

SECTION 23 – TECHNICAL MAINTENANCE FOR WATER METERS

23.1 METERS REQUIRED: All construction and all new taps connected to the City's water system shall be metered.

23.2 OWNERSHIP AND MAINTENANCE: All water meters employed in connection with water service to properties shall be owned and maintained by the City.

23.3 LOCATION AND INSTALLATION: All meters shall be installed by the City with the resulting time and materials charges being borne by the customer irrespective of the size of line. All meters shall be located as close as possible to a point one foot inside the curb line. Meters and meter sets shall be located outside of the concrete or asphalt driveways and sidewalks and the cost of piping to accomplish this shall be borne by the customer. Exceptions to the above location of meters must be approved by the Water Department.

23.4 INSIDE SETS – DAMAGE: Failure by a customer to protect a meter inside a building or basement from damage by cold, heat, or other causes, shall result in the City charging the customer the actual cost of repair of the damaged meter(s). The owner shall hold the City harmless from damages arising out of meters installed in basements or inside of any structure other than a meter vault.

23.5 METER COST: The City will install all meters with the time and materials charges for such installation being borne by the customer. All meters shall be the property of the City. The maintenance of the meter set is to be borne by the City.

23.6 INCORRECT METERS: Water meters which have incorrect gear ratios or gear trains, or which are in any way mechanically defective or show an error in measurement in excess of three percent (3%), plus or minus, when registering water at flows of approximately one-tenth (1/10), one-half (1/2) and the full normal rating under average service pressure, are not allowed in service; and periodically all meters shall be removed and tested. At the request of the customer, the City will test the meter. If the meter does not meet the requirements for accuracy cited above, the City will stand the cost of the test and the repair-replacement of the meter. If the meter does meet the accuracy requirements upon testing, the customer shall be charged a fee of \$10.00 for the test.

a) When a meter is found to have a positive average error, that is, is fast in excess of three percent in tests made at the request of the customer by either the commission or the City, the City shall refund to the customer an amount equal to the excess charged for the gallonage incorrectly metered for a period equal to one-half of the time elapsed since the last previous test, but not to exceed ninety (90) days.

b) When a meter is found to have a negative average error, that is, is slow in excess of the three percent in tests made at the request of the customer by either the commission or the City, the City shall make a charge to the customer for the gallonage incorrectly metered for a period equal to one-half of the time elapsed since the last previous test, but not to exceed ninety (90) days.

c) If a meter is found not to register, to register intermittently, or to partially register for any period, the Water Department shall estimate a charge for the gallons used by averaging the amounts registered over similar periods, or over corresponding periods in previous years or such other acceptable information available.

WATER DEPARTMENT PROVISIONS

SECTION 24 – TECHNICAL STANDARDS FOR SERVICE

24.1 IRRIGATION REGULATION: The use of water for the sprinkling of lawns and gardens may be regulated by limiting the use of water to certain days and hours as prescribed by the Board of Utilities Commissioners. No water shall be used except through a nozzle of not more than one-fourth (1/4) inch orifice, or some mechanical device which discharges water in a spray. No consumer shall permit any unnecessary waste of water or permit water to flow from his premises upon adjacent premises or sidewalk or street.

24.2 AIR CONDITIONING: All air conditioning units using water for cooling must be equipped with either cooling towers, evaporative condensers or re-circulating pump(s).

24.3 INTERRUPTIONS: The City shall make every effort to maintain steady pressures and continuous service, and will attempt to notify consumers of contemplated shut-downs and interruptions. The City assumes no liability for accidents, interruptions of service or damage caused directly or indirectly for any shut-down or interruptions of service or their failure to notify consumers of such.

24.4 FEEDING STEAM BOILERS: The feeding of water directly from the mains of the Water Department system or from service lines leading therefrom to steam and hot water boilers is an extremely dangerous practice and such is forbidden and prohibited. The supply or feeding of water to steam and hot water boilers shall be accomplished in an indirect method, either by means of pumps, injectors, or other suitable and proper devices.

24.5 ACCESS FOR EMPLOYEES: The customer will provide access to his premises at all reasonable times for authorized employees of the Water Department for any purpose incidental to the supplying of water service.

24.6 ILLEGAL USE AND/OR DIVERSION OF WATER: Attempts to take water from the City's water supply without full and just payment including the existence of water consuming devices installed ahead of a meter, or any tampering or interfering with pipes, devices, or equipment connected to the distribution system or damage to, alteration, or obstruction of any meter (including the breaking of meter seals) which will permit or make possible the use of water without its proper registration on the Water Department's meter; turning water on after it has been shut off by the Water Department, shall constitute prima facie evidence of diversion of water by the customer in whose name service is being rendered, or by a person benefitting from the use of such diverted water. If service has been discontinued for diversion of water, the Water

Department will not render service to customer or to any other person for customer's use at the same or any other location until (a) the customer has paid all bills as set forth preceding, and (b) the customer has paid the Water Department the installation cost of such entrances and service equipment as is necessary to prevent further diversion of water.

a) The use of water from fire hydrants for purposes other than fire protection, flushing City-owned services, and dust control by City-owned street sweepers, shall be permitted only upon authorization by the City.

b) Any illegal use and/or diversion of water shall be deemed as a violation of these rules and shall be of such import as to justify immediate discontinuance of water service, without notice, and the violator will be prosecuted before a court of competent jurisdiction.

24.7 WATER MAINS: All water main extensions to the City water system will be installed by the property owner to at least the center of his property, with the minimum size of line being 8" AC and installed according to the specifications of the City with the proper bedding in sand and all valves and boxes as needed for the system. After the main has been installed and tested to City specifications, the City will maintain the line.

WATER DEPARTMENT PROVISIONS

SECTION 25 – SALE OF CITY WATER TO A PUBLIC WATER SYSTEM

25.1 EXCLUSIVE USE OF WATER: Any Consecutive System which desires to contract with the City for the supply of water must use City water exclusively.

a) A Community Water System may Contract for City water to blend with other sources. Any such system must meet all monitoring requirements and maximum contaminant levels as required by the Colorado Department of Public Health and Environment and the United States Environmental Protection Agency. The City will not be responsible for any water quality or monitoring after the City’s water is delivered to a Community Water System which blends City water with any other water source. The delivery point for this section shall be immediately after the water has passed through the water main.

25.2 FEES: The fees to be charged to a Consecutive System or Community Water System shall be as follows:

Tap Size	Tap Fee	Monthly Facility Fee	Monthly Customer Charge	Rate per 1000 gallons	Maximum water use before increase	Charge per 1000 over maximum
Less than 2"	Not Available					
2"	\$25,000.00	\$120.70	\$130.92	\$2.50	213,000	\$3.00
4"	\$99,600.00	\$482.80	\$523.70	\$2.50	852,000	\$3.00
6"	\$224,600.00	\$1,088.00	\$1,180.16	\$2.50	1,920,000	\$3.00

a) Whenever the City implements Stage 2 or Stage 3 water restrictions the “Charge per 1000 over maximum” shall be \$5.00.

b) Other fees may also be assessed as provided in these policies for replacement surcharges as set forth below.

25.3 REPLACEMENT WATER: Consecutive System or Community Water System customers must supply well-pumping replacement water at a ratio of 1:1 to every gallon of water consumed. If a Consecutive System or Community Water System customer cannot provide replacement water the City will apply a surcharge of \$.80 per 1000 gallons as set forth in the Fees Sections of this policy. This surcharge shall apply to

that portion of any deficit of replacement water that should have been provided to the City by the Consecutive System or Community Water system.

25.4 EXCEPTION: The City will waive the requirement concerning water restriction charges provided that the customer transfers in advance to the City at least one year's replacement water equal to the prior year's water use, plus six percent (6%) of that amount in order to cover storage evaporation losses. If the transferred amount is exceeded during the year, then the waiver shall expire and Section 25.2 (b) will become effective at the time the available water supply transferred is fully diminished.

25.5 SPECIAL BILLINGS PROCEDURES: The Finance Officer for the City may provide special billing procedures for any Consecutive System or Community Water System.

25.6 TECHNICAL REQUIREMENTS

- a) Inspection of the system must be allowed to be conducted by a City representative on an annual basis.
- b) Maintenance of all water lines from the point of delivery shall be at the expense of the Consecutive System or Community Water System.
- c) Back-flow requirements (as set forth in the Uniform Building Code) must be in place at all times.

25.7 RIGHT TO DISCONNECT SYSTEM: The City may disconnect any water line from attachment to the City line under any of the following circumstances:

- a) Non-payment of fees for a period of forty (40) days;
- b) Failure to adhere to the back-flow requirement shall constitute a reasonable basis for the City to immediately disconnect the line from the City line;
- c) Any other material breach of a contract between the City and Consecutive System or Community Water System; or
- d) Failure of the Consecutive System or Community Water System to maintain its lines.

WASTEWATER DEPARTMENT PROVISIONS

SECTION 26 – SEWER RATES

26.1 SEWER RATES: All sewer services (as now exist or may hereafter exist) shall be subject to a City sewer fee.

a) Residential Rates. All residential users will be charged \$47.00 per month per tap.

b) Residential West Side Rates. All residential units used as commercial rentals shall be charged a flat rate of \$71.00 per month. The flat rate charge is applicable to each living unit within the structure.

c) Commercial/Municipal/Industrial/Large Customer Rates. All non-residential customers shall be charged a monthly flat rate of \$66.00 per month unless adjusted as set forth below. For current commercial users, the adjusted charge shall be computed using the 12-month average water consumption from January through December of the prior year. Commercial accounts will be adjusted annually. A new commercial or industrial account shall be charged a monthly sewer rate of \$133.00 until the annual rate can be established by using three month's usage. Variances to this standard may be made by the Utilities Board for any industrial discharging wastes of unusual nature, strength or volume. The adjusted sewer rate shall be effective for the statements for customers to be included in a billing statement generated during January and shall remain in effect irrespective of water use, for the next twelve (12) months, or until a new rate is adopted by the Utilities Board.

d) The commercial, municipal, industrial and large customer sewer rate is calculated as follows:

Over 7,000 gallons at \$3.90/1,000 gallons

e) Commercial West Side Rates. All non-residential customers shall be charged a monthly flat rate of \$99.00. Commercial West Side Sewer rate is calculated as follows:

Over 7,000 gallons at \$5.80/1,000 gallons

26.2 MINIMUM CHARGE: The minimum rate regardless of water use of residential, multi-dwelling, mobile home and commercial units shall be \$47.00 per unit per month.

26.3 CHURCHES AND CHARITABLE INSTITUTIONS: All churches and charitable institutions shall be charged at the prevailing sewer rate based on usage.

26.4 OUTSIDE CITY LIMITS: All sewer service outside the City limits shall be charged double the applicable inside City sewer rate, except for the following:

- a) Customers located on City property which is situated outside the City limits such as those customers situated at the Municipal Airport/Industrial Park.

26.5 WESTSIDE SANITATION DISTRICT: For those property owners owning property as of February 1, 1988, the rate for outside City limits customers in the West Side La Junta Sanitation District shall be one and one-half (1 ½) times the rate for inside City limits customers as determined above. The rate for all West Side La Junta Sanitation District customers shall be double the inside City limits rate as such time as the real property changes ownership after February 1, 1988.

WASTEWATER DEPARTMENT PROVISIONS

SECTION 27 – SEWER TAP FEES

27.1 GENERAL REQUIREMENTS FOR SEWER TAPS

- a) Application shall be made on the prescribed form and shall include a description and street address of the property to be served.
- b) Tapping shall be performed by authorized Utilities Department personnel only. Tapping by unauthorized personnel is a violation of these rules and the violator will be prosecuted.

27.2 SCHEDULE OF SEWER TAP FEES

- a) For each new tap for connection of service to the sewer system of the City, a fee will be charged for the right to said sewer service. The required tap fee for new sewer service provided inside the City limits shall be as follows:

Residential	\$ 400.00
Commercial	\$ 800.00
Industrial	\$2,700.00

- b) The City will charge time and materials for tapping sewer lines in addition to the tap fee. The tap will consist of cutting into the sewer line and installing a saddle or T-fitting. All other work incidental to the tap installation will be done by the owner at his expense.

27.3 STANDARD RESIDENTIAL TAPS: All new taps for residential service shall be a minimum size of four (4) inches in width.

27.4 TAP FEE – WHEN DUE: The fee will be due and payable to the Utilities Department upon application made for service and prior to installation of the proposed new tap. The applicant for service at the time of making his application for a new tap must either have a structure ready for service or a valid City building permit. A building permit which has been cancelled or allowed to expire from non-use shall not be valid for the purpose of this paragraph.

WASTEWATER DEPARTMENT PROVISIONS

SECTION 28 – SEWER SERVICE LINES

28.1 INSTALLATION: Applicants approved for sewer service shall install the service line as specified by the Utilities Department.

a) The cost of the service connection(s) and line from the City's main to the customer's premises shall be borne by the owner of the premises, including all pipe and excavation needed to install such pipe, and any work needed to repair streets, curbs, and gutters which may be damaged during such installation.

28.2 RESPONSIBILITY FOR MAINTENANCE: Each and every customer of the City's sewer collection system shall keep in good order and repair at his cost and expense, all pipes, pipe lines, supply lines and service lines, extending from the main from which the service line is to and into the property of said customer, and while the said service line shall be constructed and maintained by said customer, still the same shall be of a kind and size of materials, and of a character of workmanship, in each and every detail as meets the approval of the Utilities Department. The Utilities Department may refuse to provide sewer connection to any customer whose service line is wrongly or improperly designed or constructed, or which is not in proper condition to discharge sewage into the City's mains.

28.3 ABANDONMENT: When sewer service is totally abandoned and/or the building being served is razed, the customer's service line will be disconnected from the main and/or the service line properly capped. This cost shall be borne by the property owner. If the owner does not comply with the above, the Utilities Department shall perform this service and bill the owner for the cost. If it is not paid, it shall become a lien against the property of the customer.

28.4 SEWER MAINS: All new sewer main extensions to the City's sewer system will be installed at the cost of the property owner, with the size and kind of pipe to meet City specifications. This pipe will be a minimum of eight (8) inches with manholes a minimum of three-hundred (300) feet apart for cleanout. After the sewer main has been installed and tested, the City will maintain the sewer main.

WASTEWATER DEPARTMENT PROVISIONS

SECTION 29 – COST RECOVERY

29.1 AVAILABILITY: Available in all territory served.

29.2 APPLICABILITY: To offset the costs associated with the maintenance of distribution systems of utilities with the City, the Board of Utilities Commissioners determined that the following shall constitute the dormant utility user fees to be assessed to consumers who meet the definition of dormant user as defined herein.

29.3 RATE

Flat Charge first

7,000 gallons \$ 17.87 per month

WASTEWATER DEPARTMENT PROVISIONS

SECTION 30 – INDUSTRIAL PRETREATMENT ENFORCEMENT RESPONSE GUIDE

DEFINITIONS

BMR	Baseline Monitoring Report
LOV	Letter of Violation
AO	Administrative Order
SNC	Significant Noncompliance
TRC	Technical Review Criteria

**CITY OF LA JUNTA
INDUSTRIAL PRETREATMENT
ENFORCEMENT RESPONSE GUIDE**

SAMPLING, MONITORING AND REPORTING

NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE
Failure to sample, monitor, or report (Routine reports, BMR's).	Isolated or infrequent.	Phone call or written letter of violation (LOV) requiring a report within 10 days. If no response is received, issue an administrative order (AO).
Failure to sample, monitor, report or notify.	IU does not respond to letters, does not follow through on verbal or written agreement, or frequent violations - SNC.**	AO or judicial action, including penalties if no response is received. Request criminal investigation.
Failure to notify or effluent limit violation or slug discharge.*	Isolate or infrequent. No known effects.	Phone call or LOV. If no response within 10 days issue an AO.***
Failure to notify or effluent limit violation or slug discharge.*	Frequent or continued violation - SNC.	Show cause meeting, AO, or judicial actions, including penalties.
Failure to notify or effluent limit violation or slug discharge.*	Known environmental or POTW damage results - SNC.	Judicial action and penalties. Sewer ban.
Minor sampling, monitoring, or reporting deficiencies (computational or typographical errors).	Isolated or infrequent.	Phone call or LOV. Corrections to be made on the next submittal. AO if continued.
Major or gross sampling, monitoring, or reporting, deficiencies (missing information, late reports).	Isolated or infrequent.	LOV or AO. Corrections to be made on the next submittal.

*Proposed revisions on June 12, 1986 (51 FR 21454) to the General Pretreatment Regulations include a requirement to repeat effluent analysis after each violation and provide the information to the Control Authority within 21 days.

**SNC. This denotes that the circumstances of a particular violation are severe enough to meet the criteria specified on Table 1 for Significant Noncompliance (SNC).

***Whenever a letter of violation is issued that requires a response and the industrial user fails to respond, the Control Authority should issue an administrative order to require the industrial user to respond and return to compliance immediately.

**CITY OF LA JUNTA
INDUSTRIAL PRETREATMENT
ENFORCEMENT RESPONSE GUIDE**

COMPLIANCE SCHEDULES (Construction phases or planning).

NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE
Reporting false information.	Any instance - SNC.	Request for criminal investigation. Judicial action, penalties, sewer ban.
Missed interim date.	Will not cause late final date or other interim dates.	LOV.
Missed interim date.	Will result in other missed interim dates. Violation for good or valid cause	LOV or AO.
Missed interim date.	Will result in other missed interim dates. No good or valid cause - SNC.	LOV, AO, or judicial action, including penalty.
Missed final date.	Violation due to force majeure (strike, act of God, etc.)	Contact permittee and require documentation of good or valid cause, show cause.
Missed final date.	90 days or more outstanding. Failure or refusal to comply without good or valid cause.	AO or judicial action, including penalty.
Failure to install monitoring equipment.	Continued - SNC.	AO to begin monitoring (using outside contracts, if necessary) and install equipment within minimal time. Temporary sewer ban.

**CITY OF LA JUNTA
INDUSTRIAL PRETREATMENT
ENFORCEMENT RESPONSE GUIDE**

EFFLUENT LIMITS

NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE
Exceeding final limits (categorical, local or prohibited).	Infrequent or isolated minor violations.	LOV.
Exceeding final limits.	Infrequent or isolated major violations exceed the limits by TRC of a single effluent limit.	LOV, AO (judicial action if environmental harm resulted, including penalty).
Exceeding final limits (categorical or local).	Violation(s) that are SNC.	AO or judicial action, including penalty.
Exceeding interim limits (categorical or local).	Without known damages.	LOV or AO.
Exceeding interim limits.	Results in known environmental or POTW damage - SNC.	AO or judicial action, including penalty.
Reported slug load.	Isolated without known damage.	Show cause or AO.
Reported slug load.	Isolated with known interference, pass-through, or damage - SNC.	AO or judicial action, including penalty.
Reported slug load.	Recurring - SNC.	Judicial action, including penalty. Sewer ban.
Discharge without a permit or approval.	One time without known environmental or POTW damage.	AO.
Discharge without a permit or approval.	One time that results in environmental damage or continuing violation - SNC.	AO or judicial action and penalty. Request for criminal investigation.
Discharge without a permit or approval.	Continuing violation with known environmental or POTW damage - SNC.	Judicial action and penalty. Request for criminal investigation. Disconnect from sewer.

**CITY OF LA JUNTA
INDUSTRIAL PRETREATMENT
ENFORCEMENT RESPONSE GUIDE**

**NONCOMPLIANCE DETECTED THROUGH INSPECTIONS OR
FIELD INVESTIGATIONS**

NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE
Minor violation or analytical procedure.	Any instance	LOV.
Major violation of analytical procedure.	No evidence of intent.	LOV or AO.
Major violation or analytical procedures.	Evidence of negligence or intent - SNC.	AO or judicial action and penalty (possible criminal action).
Minor violation or permit condition.	No evidence of negligence or intent.	LOV, immediate correction required.
Minor violation of permit condition.	Evidence of negligence or intent - SNC.	AO or judicial action and penalty (possible criminal action).
Minor violation of permit condition.	Evidence of negligence or intent - SNC.	AO or judicial action and penalty (possible criminal action). Sewer ban.

TABLE 1
COMPARISON: SIGNIFICANT VIOLATION TO SIGNIFICANT NONCOMPLIANCE

SIGNIFICANT VIOLATION	SIGNIFICANT NONCOMPLIANCE
<p>A violation that remains uncorrected 45 days after notifications of noncompliance.</p>	
<p>That part of a pattern of noncompliance over a 12 month period.</p>	<p>Chronic Violations. Sixty-six percent or more of the measurements over a 12 month period, exceed the same daily maximum limit or the same average limit in a 6-month period.</p> <p>Technical Review Criteria (TRC) Violations. Thirty-three percent or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a 6-month period.</p>
<p>That involves a failure to accurately report noncompliance.</p>	<p>Failure to provide reports for compliance schedules, self-monitoring noncompliance, data, permit application date or categorical standards (baseline monitoring reports, 90 day compliance reports, and periodic reports) within 30 days from the due date.</p>
<p>That resulted in the POTW exercising its emergency authority under Section 403.8 (f)(l)(vi)(B).</p>	<p>Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.</p> <p>Any other violation(s) of an effluent limit (average or daily maximum) that the Control Authority believes has caused, alone or in combination with other discharges, interference (eg., sludge loads) or pass-through, or endangered the health of the sewage treatment personnel or the public.</p> <p>Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the scheduled date.</p> <p>Any other violation or group of violations that the POTW considers to be significant.</p>

SANITATION DEPARTMENT PROVISIONS

SECTION 31 – RATE SCHEDULE

31.1 RESIDENTIAL, APARTMENTS AND TRAILERS AND OTHER DWELLING UNITS: \$13.35 a month for each dwelling unit (\$8.60 Fee and \$4.75 Disposal Fee).

31.2 COMMERCIAL

a) Tote: \$15.35 (\$10.60 service fee and \$4.75 disposal fee) a month for each account. This will allow for one pick-up per week.

b) Bin Pick-Up (1.5 cubic yard dumpster): The following schedule is based on one bin dumped one time per week for one month. It is calculated by multiplying \$5.60 by 52 (the number of weeks in one year), then divide that number by 12 (number of months in one year).

BIN PICK-UP SCHEDULE

SERVICE	ONE BIN	TWO BINS	THREE BINS
1 time/month	\$ 6.70		
1 time/week	\$ 27.55	\$ 48.40	\$ 69.25
2 times/week	\$ 55.10	\$ 96.80	\$138.50
3 times/week	\$ 82.65	\$145.20	\$207.75
4 times/week	\$110.20	\$193.60	\$277.00
5 times/week	\$137.75	\$242.00	\$346.25

c) SPECIAL PICK-UPS: Special pick-ups will be a \$16.00 minimum charge or \$24.00 per hour.

d) Each commercial customer would be charged an additional \$4.75 per month for a disposal fee.

e) BIN RENTAL OR PURCHASE RATES: Bins can be rented at \$8.50 per month or purchased for \$660.00 each. This charge is in addition to the sanitation pick-up fee.

f) 40-CUBIC YARD BOXES: 40-cubic yard boxes can be rented for \$350.00 for the first fourteen (14) days. After the fourteen (14) day period, the charge will be \$5.00 per day plus \$25.00 per ton.

g) 20-CUBIC YARD BOXES: 20-cubic yard boxes can be rented for \$300.00 for the first fourteen (14) days. After the fourteen (14) day period, the charge will be \$5.00 per day plus \$25.00 per ton.

h) TOTE RENTAL: An additional residential tote (60 or 96 gallons) can be rented for \$1.00 per month.

SANITATION DEPARTMENT PROVISIONS

SECTION 32 – GENERAL REQUIREMENTS

32.1 CONTAINER REQUIREMENTS: Only City issued or approved containers will be serviced. All residential customers are required to use a City issued tote(s). In the case of multi-family structures with more than two dwelling units, a dumpster may be used in lieu of multiple totes. The option of using a dumpster(s) shall be at the discretion of the City.

32.2 INDUSTRIAL BOX PLACEMENT: Industrial/Commercial Zones 20 yard boxes and 40 yard boxes are allowed for extended periods of time.

32.3 RESIDENTIAL BOX PLACEMENT: Residential Zones 20 yard boxes and 40 yard boxes are allowed for active projects for that property upon which the box is located and cannot be used as a trash receptacle or commercial business which is not located upon the property upon which the box is located.

32.4 HAZARDOUS MATERIAL EXCLUSION: No hazardous materials are allowed in Totes, 1.5 Yard Dumpsters, 20 Yard Boxes or 40 Yard Boxes.

32.5 MINIMAL RATE: Municipal rate including enterprise funds is included in current rate.