

**FOREST LAKES METROPOLITAN DISTRICT
RULES AND REGULATIONS
WITH DESIGN STANDARDS
AND SEWER USE REGULATIONS**

**FOREST LAKES METROPOLITAN DISTRICT RULES
AND REGULATIONS**

The Board of Directors of the Forest Lakes Metropolitan District hereby declares that the following Rules and Regulations have been prepared and adopted to provide for the construction, administration and operation of the water and sanitary sewage systems of the District. Rates and fees contained in the Rules and Regulations which are higher than those in effect on the date the Rules and Regulations are adopted, shall be effective March 7, 2016. All other portions of the Rules and Regulations shall be effective on the date of adoption.

The Board of Directors' hereby expressly reserve the right to make any lawful addition and/or revisions in these Rules and Regulations when and as they may become advisable to properly manage the District and to promote the peace, health, safety and welfare of the people residing in the District. These Rules and Regulations are supplementary to, and are not to be construed as, any abridgement of any lawful rights of the Board as outlined in the Colorado Revised Statutes governing Special Districts, including the right to disconnect or to refuse permission to connect any water or sewer service for violation of these Rules and Regulations or the plumbing code of the State of Colorado.

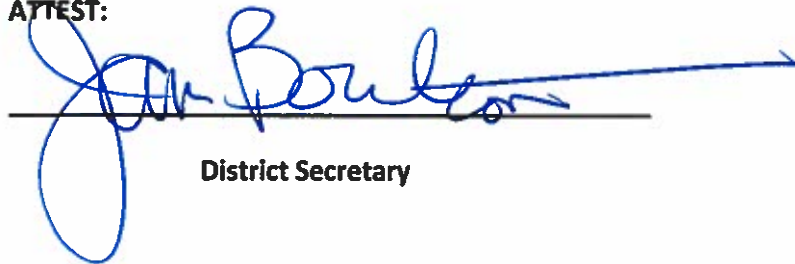
Adopted the 7th day of March, 2016

BY:

 PRES.

District President

ATTEST:



District Secretary

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FEES AND CHARGES

Specific fees and charges will be adopted by the Board of Directors from time to time. Normally fees and charges for the next fiscal/calendar year will be adopted by resolution at the November or December Board of Directors meeting. However, changes to the fees and charges can be made at any time through the year with Board approval.

1. Standard Fees

1.1. Development Fees – Water, Wastewater and Facilities development fees are due on all lots prior to construction. Water /sewer service line locations will not be provided, nor service lines inspected until all development fees are paid. At the discretion of the District Manager, sewer service depth may be provided before payment in order for the builder to accurately estimate the depth of the foundation to be built. Development fees are normally used for repayment for District infrastructure required to provide the service to the lot (wells, treatment plants, tanks, roads, drainage etc).

1.2. New Tap Kit/Inspection Fees - New tap and inspection fees are due at the same time as development fees. New Tap kit and inspection fees cover the cost of the plumbers "meter kit" (meter, pressure regulator, backflow protection, transponder), as well as District staff inspection.

1.3. Water & Wastewater Service Fees – Service fees are charged on a monthly basis. There is a set monthly water service fee and the monthly sewer service fee. Additional water usage fees are charged once meters are read and recorded. Service fees are due by a specific due date, and normally declared "late" after five days following the due date. If full payment is not made within 90 days, water service may be terminated after sufficient written and telephonic warning is made, and customers are given ample opportunity to contest the matter. A service re-connection fee will be charged, due with full payment of the bill and before service is re-connected. A lien may be filed on the property

after 10 days following service termination. A lien removal fee may be charged and is due along with the service re-connection fee and full payment of the bill. Office staff is authorized to make special arrangements with customers to pay extreme bills over an agreed reasonable amount of time.

1.4. Voluntary Shutoff Fee – Water users may voluntarily have their water service discontinued. A reinstatement-of-service fee will be charged for restoration of service. Minimum monthly water and sewer charges shall apply during the period that service is discontinued.

1.5. Landscape Maintenance Fee – All customers are assessed a monthly fee to cover the cost of landscaping services for those areas within the District.

1.6. Reproduction Fees – Though most District documents are public record, the District may charge reproduction fees (determined based on the circumstances), payable before reproduction is accomplished.

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2. Penalties and Fines

2.1. Late Fees - Late fees are normally 5% of the unpaid balance and are charged on all service bills after the established "late" date (see above). Late fees are due with the full payment of the unpaid bill.

2.2. Disconnect Letter Fee - A fee will be charged to the customer if a certified (registered) letter is sent to notify of pending disconnection of service for any reason. The fee will be due along with the bill in question and any associated late fees.

2.3. Service Re-Connection Fee - If water service is terminated for any reason a re-connection fee may be charged and is due before service will be restored. If District staff is forced to dig up the service "stop box" valve in order to terminate the service, charges for time and materials may be added to the payment due.

2.4. Lien Removal Fee - A lien removal fee will be charged if a lien has been filed on the property. It is due in full along with any re-connection fee, late fees, interest, and any unpaid balance before the lien will be formally removed with the County Clerk's office.

2.5. Bad Check fee - A fee will be charged for any check received by the District that is returned for Non-sufficient Funds (NSF), or for insufficient funds in the account when utilizing the District automatic withdrawal system. Normal payment of the bill that is due and the bad check fee will be by Cashier's Check or Money Order. Cash may be accepted, but is discouraged, unless it is the exact amount.

2.6. Ground Water Discharge to Sewer Penalty - Penalty charges will be established and assessed against any person, company, or corporation who is determined to be discharging ground water to the District sanitary sewer.

2.7. Unauthorized Discharge to Sanitary Sewer Penalty– Discharge of unauthorized materials, to include but not limited to: petroleum products, paint, paint cleaner, toxic, poisonous or explosive substances, is prohibited. Such discharge or any other misuse of the District sanitary sewer facilities may result in fines or special charges as deemed necessary by the General Manager.

2.8. Unauthorized Hydrant Use Penalty– District owned and maintained fire hydrants are “off limits” to everyone except fire department and District personnel. Unauthorized use of a fire hydrant will result in a penalty, and a charge for the suspected water used.

2.9. Cross Connection control Penalty - Failure to provide adequate cross connection control will result in immediate termination of service. This includes failed tests of backflow devices and any other cross connection issue deemed irregular by District personnel. Failure to provide annual certified backflow test results to the District will result in a penalty, and eventual disconnection of service.

2.10. Grease Trap/Interceptor Charge – A customer who fails to comply with grease trap or interceptor cleaning and pumping requirements may be assessed a penalty. The penalty will be doubled the second time it occurs, and water service may be terminated if there is a third occurrence. All applicable service re-connection fees, etc. will apply.

2.11. Unauthorized Irrigation Penalty - If a customer irrigates during non-authorized times per the District rationing program the customer may incur warning letters, penalty fees and potential termination of water service.

2.12. Special Service Fee – If, in order to enforce compliance with District regulations, employees of the District provide special services at a property which the owner or occupant neglects or refuses to perform himself, or which are not related to the general maintenance of District facilities, then the cost of such work, including, but not limited to all materials, may be charged to the property owner or occupant as a service charge.

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3. Administrative and Security Procedures

3.1. Privacy Information - Due to Federal and State privacy restrictions, financial information of customers can only be provided to a “person of interest.” Water and sewer bill information is classified as personal financial information. Therefore, “persons of interest” must be identified by the customer at the time of service commencement, or by written notification later (In the case of a divorce or significant name change, the District must be notified in writing, signed by both parties).

3.2. Incorrect Meter Reading - If a water meter malfunctions or fails to register, the customer will be charged the average consumption of the previous two billing periods. The meter must be repaired or replaced before the next reading cycle.

3.3. Payment Procedures – Payment of normal fees and charges may be made in person, by utilizing the District “drop boxes,” or by mail, or by credit card. District staff may require payment in person utilizing Cashier’s Check, Money Order or cash (exact change) in the case of a fine, penalty or other abnormal charges. Payment directly to District staff other than in the office during office hours is not authorized, absent specific approval by the Office Administrator.

3.4. Payment Responsibility – The ultimate responsibility for the payment of water and sewer service bills and any fees, charges or penalties described herein, resides with the owner of the property. If the home or establishment is leased, the District will normally bill the occupant for charges. However, failure to pay by the occupant does not relieve the

property owner of responsibility. As described in previous paragraphs, water service may be terminated and a lien may be placed on the property until all fees, charges and penalties are paid.

3.5. Transition of Tenant Policy – In many cases a tenant will move out or abandon a property without paying final water and sewer bills. In most cases the District is unaware that the property is empty. It is the responsibility of the property owner to ensure that all water and sewer service fees, charges and penalties are paid before a new tenant moves into the property. If unpaid balances are not paid off in a reasonable amount of time, the District may notify the new tenant that charges are due and that water service will be terminated after a reasonable amount of time. If water service is terminated in this instance, a lien will be filed immediately, and all procedures, fees, charges, and penalties described herein will apply.

3.6. Facility Access - Any non-District staff requiring access to any District facilities must provide a picture ID. Employment will be verified and keys will be signed out and in. The District will keep all access records on file.

3.7. Utility Easements – The District may require an easement for the purposes of construction, replacement, improvement, repair, maintenance and operation of utility facilities, including, but not limited to pipes, manholes, fixtures, water and wastewater collection lines, appurtenances and attachments. The District shall have the right of ingress and egress to and from said easements over and across the grantor's property in the exercising of the rights herein. No building, structure, trees, shrubs, fences, landscaping other than a lawn, or other improvements shall be placed or constructed on or within said easement by the grantor without District permission. The District shall have the right to remove all obstructions or improvements from the easement which interfere with the activities above, without liability to the grantor. The District agrees that if it is required to disturb the surface of the easement for construction, maintenance or operation of the facilities, it shall restore the surface to the pre-disturbance condition.

3.8. Construction Water - Customers requiring water from a fire hydrant (other than fire department) may acquire a permit from the District for such purposes and will be issued a hydrant meter. A cash deposit may be required and the metered water usage will be billed to the customer.

3.8. Suspicious Activity - Customers and others are asked to report any suspicious activity in or around any District facility as soon as possible. If it appears that vandalism or other criminal activity is involved, customers should contact the El Paso County Sheriff first, followed by calling the District. Any information that leads to an arrest or protection of District facilities could result in a monetary reward.

3.10. Tampering – As per CRS 18-4-506.5, tampering with water meters, cross connection devices, and other plumbing devices for the purpose of reducing water use recording is illegal, and will be prosecuted appropriately. Tampering includes interference of District workers performing their operational duties, and turning on the water service without authorization to a property where it had been turned off by District personnel.

3.11. Use of Sewer - No toxic, explosive or dangerous materials may be dumped down the drain or into a District manhole. Examples of prohibited items include but are not limited to: oil, gasoline, paint, drugs or drug paraphernalia, fireworks, etc. Anyone caught infiltrating the sewer system with prohibited items will be prosecuted, fined, and risk termination of water service. Anyone who is responsible for alerting the District to prohibited activity may be authorized a reward.

The District has published Sewer Use Regulations and a commercial/industrial sewer use permitting process that apply to all commercial and industrial users of the sewer. For more information, refer to the appropriate regulations.

3.12. Residential or Commercial Access -The District shall have the right of access to any property served by the District for the purpose of maintenance or to investigate suspected problems. Non-emergency procedures will be to set up an appointment via telephone or email. Every reasonable attempt will be made to contact the customer prior, to include telephone calls, and door tags on the front door. If it is obvious to the General Manager that the customer is purposely denying access, water service termination procedures may be initiated. If after adequate warning the water service is terminated, service re-connection fees and payment will apply. If service termination still does not yield access, a lien may be filed and lien removal fees and procedures will apply. District staff will present adequate identification prior to entry.

Emergency access may be accomplished if there is an obvious major leak and flood in the home, and attempts to turn off the service from the outside has failed. If it is determined that emergency access is required, the El Paso County Sheriff will be contacted. Only with Sheriff personnel authorization will physical break in be attempted. The District will not be responsible for any damage when reasonable precautions are taken.

3.13. Discontinuation of Water Service – Water service to any property or water user may be suspended or revoked by the District without obligation to repay any fees, charges or penalties which may have been given for such service for any of the following reasons:

- (a) Failure to pay proper charges when due
- (b) Use of water for purposes not authorized by the District
- (c) Maintaining unauthorized cross connections or allowing any unsafe or unsanitary conditions to exist, including but not limited to those described herein
- (d) Failure to comply with any of the design criteria and specifications of the District
- (e) Failure to comply with the District Sewer Use Regulations
- (f) Failure to provide access by District personnel for inspection or routine maintenance purposes
- (g) Proof of tampering
- (h) General failure to comply with these Rules and Regulations

3.14. Service Line Installation Locations - Complete specifications will be provided to the builder (or payer of the tap/development fees) at the time of payment. Water and sewer service line locates will be provided at that time as well. It is the responsibility of the excavator to follow the District specifications and to call for an inspection when connections

are made. If the locations of the service stubs cannot be found after a reasonable search, District staff will respond to assist. If it is determined that the stubs cannot be found it will be the responsibility of the District to provide adequate connections. Excavators may be instructed to complete the internal lot connections. Builders may be reimbursed for excavator time if it is determine the locations given were in error, or for excessive work. The water "stop box" will either be left exposed at ground level, or restored to that position prior to closing of the unit.

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4. Construction Procedures – all construction of water and sewer infrastructure will be in accordance with the District Utility Design and Construction Specifications, and further instruction herein.

4.1. Water and Sewer Service Line Installation – Specific instructions are found in the "Builder's Packet" issued to builders/plumbers at the time of tap fee payment. Said instructions can only be deviated from with authorization from the District Manager.

4.2. Meter Kit Installation - Plumbers will be provided meter kits for normal residential units. Kits will be installed per District specification and inspected by District personnel (normally just before closing). Incorrect installation could result in water service disconnection and/or forfeiture of deposit paid at the time of Installation Fee payment. Commercial meter kits will not be provided on services over one inch. Builders will be responsible for purchase and installation of the appropriate meter kits to District specifications.

4.3. Cross Connection Control - Backflow protection devices will be provided as part of the meter kits. Normal residential devices do not require testing, but the District reserves the right to require testing if it deems necessary, or if there is a suspicion of a cross connection. Commercial and irrigation backflow devices will be of the reduced pressure kind, and testing results by a State certified backflow tester are required before the device is used the first time, and annually thereafter. Test results will be forwarded to the District on any appropriate form, as long as they contain the sufficient information and are signed by a certified tester. Homeowners without backflow devices (built prior to 1994) are encouraged to have one installed by a plumber.

NOTE: Backflow devices on smaller homes often create a pressure release problem that requires a pressure relief tank, normally installed off the hot water heater (owner/builder's expense).

4.4. Pressure Regulators - Pressure regulators will be provided as part of the meter kits. If only one regulator is used it will be upstream of the meter. A second regulator is often provided by the builder and installed downstream of the "off shoot" to the irrigation system. Normal District pressure is between 65-125 psi. Pressure regulators usually come preset to 55-65 psi. Homeowners may adjust the pressure regulators for more or less pressure. However, it is recommended that the downstream regulator not be set at more than 80 psi to protect downstream plumbing and appliances.

4.5. Sumps and Sump Pumps - In many cases builders install sumps in basements to

collect drainage and runoff from outside the foundation. In other cases homeowners have installed sumps in basements due to infiltration of ground water. In all cases a pump should be installed in the sump and the water should be pumped OUTSIDE the house (away from the foundation). In no case will ground water of any kind be pumped or otherwise dumped down the basement sewer drain. Failure to comply with this regulation may result in termination of water service, and or fines.

4.6. Water Valve Stop Boxes (Curb Stops) - Upon final inspection and installation of the transponder (before closing) the water valve "stop box" must be visible and accessible for District use. In concrete or where landscaping allows, the top of the box must be level with the surface. If in a sodden or grassy area, the top of the box should be 2-3" above the surface so as to be accessible when the grass grows, but not so high as to clip normal lawnmower blades.

4.7. Grease Trap/Interceptors - The District may require a grease trap or interceptor be installed on any appropriate commercial or industrial property. A discharge permit will be issued and specifications for construction of the device will be provided.

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5. Maintenance Policies

5.1 "Ownership" of Infrastructure and Devices - The District owns all water and sewer main infrastructure, including service lines up and including the water curb stop, and the sewer service line "stub out." The District will maintain its system at no cost to the property owner, unless it is determined that damage was done to the system by the property owner. The District "owns" the residential water meters.

Service lines downstream of the curb stop and upstream of the sewer "stub out" are owned by and are the maintenance responsibility of the property owner. All plumbing, other than the water meter, are also owned by and the responsibility of the property owner.

5.2. Water Plumbing Maintenance Procedures - The District will repair and/or replace any malfunctioning water meter. If the meter malfunction is due to the fact that there is no pressure regulator upstream of the meter, the customer will be advised that the second and subsequent time repairs are needed the customer will be charged for time and materials. Pressure regulators are highly recommended upstream of the meters. Other maintenance issues will normally require the homeowner to hire a plumber. District staff will assist in turning off water for maintenance work, but will not normally perform the work themselves. Inspection by District staff will normally be required.

5.3. Sewer Plumbing Maintenance Procedures - The District will respond to any call regarding sewer service backups. If the District determines the backup is in the main or on the District side of the service line, District staff will make repairs. If there is damage to the home, District and homeowner insurance should be alerted for compensation. If the backup is not in the homeowner service line, and not the fault of the homeowner or builder, the District will normally cover any expenses to the limit of its insurance.

If the backup is in the customer service line, the customer will be responsible. It is highly recommended that a "rooter" company with TV capability be utilized to ascertain the cause and to help in any resulting insurance issues.

5.4. Water/Sewer Service Line Maintenance Procedures - The District is responsible for water and sewer mains and for the service line from the main into and just beyond the lot line, where the lines are "stubbed out" by the developer or the District. The maintenance for the service lines from inside the home to the "stub outs" is the responsibility of the homeowner or builder. If there is a water leak on the service line, District personnel will determine on which side of the curb stop valve the leak is located. If it is at or upstream of the curb stop, the District will make or contract for repairs, and take whatever measures are necessary to shut down the system. If the leak is inside the curb stop, the District will shut off the curb stop and require repairs by the homeowner/builder, and an inspection of said repairs prior to burying the line and water turned back on is required. The curb stop pipe itself should be kept clean or dirt and debris. If District personnel are forced to dig up or clean out a hidden or debris filled stop box, every attempt will be made to preserve landscaping and other property. However, the District will not be responsible for restoring any landscaping or property as a result. It is the responsibility of the homeowner to keep the valve box accessible.

The outside water valve will not be used for constant or routine opening/closing. It is used for emergency and administrative use (failure to pay bills) only. Only District personnel will operate the valve, unless a plumber is specifically authorized by District management. If a sewer service line is determined to be clogged, normally it is the responsibility of the homeowner/builder. If a TV inspection by a "roooter" service determines the clog or break is beyond the sewer "stub out" and toward the sewer main, the District will assist in confirming the actual location and cause, and assume responsibility for repairs where appropriate. If damage is done to the District system by a contractor (roooter service, excavator, etc) hired by the customer, repairs to the District system will be at the customer's expense.

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6. Other Applicable Regulations - Along with the Sewer Use Regulations and Emergency Response Procedures mentioned previously, the following regulations apply where appropriate and all applicable parties should be aware and comply. Copies are available at the District office.

Public Utility Design and Construction Specifications - Applies to all water distribution and wastewater collection procedures.

Water & Sewer Service Installation Specifications - Applies to all builders and plumbers of new construction.

Safety Manual - Applies to all District staff and contractors.

Personnel Policies - Apply to all District personnel.

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7. Hearing and Appeal Procedures - Apply to any complaint arising from the interpretation of these Rules and Regulations and any of the other regulations, specifications or policies listed herein.

7.1. Initial Complaint – Informal Resolution – Complaints concerning the

interpretation, enforcement or administration of these Rules and regulations, and/or other regulations, specifications or policies listed herein must be presented to the District Manager. An informal complaint may be presented and resolved verbally. If not, a signed written complaint must be presented. After complete review, the District Manager shall notify the complainant of action taken or resolution in writing within 15 days after receipt of the complaint.

7.2. Notices of Violation – Notices of violation, fines, charges or other penalties issued by the District may be appealed by the user by way of an Initial Complaint above, or appeal to the Board of Directors.

7.3. Appeals to the Board – Appeals may be taken from a decision of the District Manager, including the issuance of a Notice of Violation (above), by filing a written request for appeal to the Board of Directors, submitted within 15 days of the contested decision or Notice of Violation. The Board shall consider such appeal at a regularly scheduled or special meeting within a reasonable time, but in no event shall the hearing be held later than forty-five (45) days after receipt of the request. All proceedings at the hearing shall be recorded, and any complainant desiring a transcript of such record hearing shall be furnished the same upon payment of all costs involved with transcription. All parties may cross examine witnesses and examine evidence, and all parties are entitled to representation by legal counsel. If legal counsel representation is to be conducted, the District will be given ample notice so as to be represented by District counsel as well.

7.4. Board Action – The Board may affirm or overrule any decision made by the General Manager, increase, decrease or waive any fines, charges or other penalties assessed, and take any other pertinent action to resolve the issue. The final decision of the District shall be the decision rendered by the Board of Directors.

7.5. Judicial Appeal – Any party to the hearing before the Board of Directors adversely affected or aggrieved by the decision of the Board may appeal such decision to the District Court for the County of El Paso, pursuant to C.R.C.P. 106(a)(4).

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8.0 WATER SHORTAGE PROVISIONS

8.1 FINDINGS. The Forest Lakes Metropolitan District Board of Directors does hereby find, determine and declare as follows:

A. The Forest Lakes development is located in a semiarid climate, where drought like conditions periodically occur;

B. .Abnormally high demand, together with drought like conditions and/or system constraints, may reduce the available water to the point of creating a water shortage;

C. The District has proactively developed a drought response plan that is a layered contingency plan to provide for a systematic response restricting customer water use and moderating water waste to meet the essential needs of the residents of the District; and

D .It is necessary to provide the District with flexibility to implement measures to restrict water use as deemed appropriate to conserve the water supply of the District to protect the health, safety and general welfare of its residents during periods of potential water shortage.

8.2 PURPOSE AND INTENT. It is the purpose and intent of this Section to proactively establish procedures for systematically managing water demand through measures designed to restrict water use and reduce water waste during a system constraint or drought related shortage. The procedures listed in this part are designed to be used during atypical and irregular events, and are not intended for use as a substitute for developing long term conservation programs. This Section shall be liberally construed to effectuate this purpose and intent.

8.3 DEFINITIONS. Unless the context specifically indicates otherwise, the following terms, as used in this Section, shall have the following meanings:

MANAGER: Manager shall mean Manager of the District or District authorized facilities operator, or in his absence, his duly authorized agent.

DRIP IRRIGATION: Low pressure, low volume irrigation applied slowly, near or at ground level to minimize runoff and loss to evaporation, including the use of a bubbler, drip emitter, in-line tubing or soaker hose. Does not include microsprays.

EXPECTED YIELD: The projected amount of water available for delivery to water customers. This projected amount is District's best estimate of water availability and is based on an analysis of historic yield trends, current and expected weather conditions, snowpack levels, system modeling and engineering judgment as well as other relevant factors.

HAND WATERING: The use, expenditure, or application of water supplied to a water customer through a handheld hose connected to a piping system where the water is used for any exterior purposes or is otherwise expended outside any dwelling, building or structure.

IRRIGATE: To apply or to expend water onto land, whether by channels, by flooding, by sprinkling or by any other means whatsoever, except hand watering. This term shall also refer to any act of irrigation.

LANDSCAPE: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, vegetables, gardens or turf grass.

NONPOTABLE WATER: Water not meeting State drinking water standards that can include, but not be limited to, water from streams, rivers, lakes, ground water or reclaimed water.

POND: Artificially constructed outdoor pond used for decorative or aesthetic purposes.

POTABLE WATER: Water suitable or intended for human consumption.

PROJECTED DEMAND: The expected levels of water demand placed upon the water supply system assuming no additional water shortage restrictions. This projected amount is District's best estimate based on an analysis of historic consumption trends, economic growth forecasts, current and expected weather conditions, system modeling and

engineering judgment, as well as other relevant factors.

SHORTAGE: The actual demand for water placed upon the water supply system by water customers exceeds the actual yield, where the actual yield of water is the amount of water available for delivery to water customers.

STAGE I SHORTAGE: The lowest level of water restrictions intended to reduce water demand placed upon the water supply system.

STAGE II SHORTAGE: The intermediate level of water restrictions intended to reduce water demand placed upon the water supply system.

STAGE III SHORTAGE: The highest level of water restrictions intended to reduce water demand placed upon the water supply system.

TURF GRASS: Continuous plant coverage of grasses that, when regularly mowed, form a dense growth of leaf blades and roots.

WATER: All potable and nonpotable water supplied from the water supply system to any water customer.

WATER CUSTOMER: The person designated on the records maintained by District as the person responsible for payment of charges incurred for the use of the water supply system at the premises being served, or any person of lawful age who uses water at the premises served.

WATER FEATURE: Any fountain or waterfall used for decorative or aesthetic purposes.

8.4 WASTE OF WATER PROHIBITED.

A. No water customer shall allow, permit or cause the waste of water, which shall include any use of water in violation of this part.

B. During any water shortage declared under this part, no person or association or other entity shall impose or enforce private covenants, conditions, restrictions, deed clauses or other agreements between private parties which require any person to retain existing turf grass, to install new turf grass or to irrigate existing turf grass in a manner inconsistent with this part.

8.5 AUTHORIZATION.

A. District is authorized to enforce this part.

B. The Manager may propose additional restrictions (beyond those contained in this part) or modify existing restrictions as deemed necessary. However, the Board of Directors must formally approve of proposed additional or modified restrictions.

8.6 STAGE I SHORTAGE. A Stage I shortage may be declared when the Manager determines that: a) the expected yield of water available to the District from its Beaver Creek exchange is less than 590 AF but not less than 476 AF and the lake levels in Bristlecone reservoir are more than 5 feet below spill; or b) proactive measures should be

taken to avoid or reduce the severity of a shortage. During a Stage I shortage, the District will increase public communication and education efforts aimed at water conservation, will encourage the community to conserve water wherever possible and will ask residents to voluntarily limit their use of water for outdoor irrigation to three (3) days per week.

8.7 STAGE II SHORTAGE. A Stage II shortage may be declared when the Manager determines that: a) the expected yield of water available to the District from its Beaver creek exchange is less than 476 AF but not less than 184 AF (the District's dry year yield from its Beaver Creek exchange) and lake levels in Bristlecone Reservoir are more than 5 feet below spill stage; or b) proactive measures should be taken to avoid or reduce the severity of a shortage. However, the Board of Directors must formally approve the declaration of a Stage II shortage by resolution which shall include the applicable level of outdoor landscape watering as set forth in subsection A1 of this section. ***District residents are put on notice that lake levels in Bristlecone and Pinon Reservoirs are likely to materially decline as no effort will be made to replace lake evaporation during this shortage condition. Moreover, the District may further contribute to the decline in the level of Bristlecone Reservoir by using water in storage to help meet expected demand.***

A .Outdoor Landscape Watering:

1. Except as provided in subsection A4 of this section, outdoor landscape watering shall only be allowed in accord with this section. The Manager will determine the appropriate level of outdoor landscape watering based on several criteria, including, but not limited to, expected yield and reservoir levels. However, the Board of Directors must formally approve the applicable level of outdoor landscape watering, whether for potable and/or nonpotable water, by resolution.

Level A:

Outdoor landscape watering shall only be allowed three (3) days per week on designated days as follows: a) residential users with even numbered addresses may only irrigate on Sunday, Wednesday and Friday; b) residential users with odd numbered addresses may only irrigate on Tuesday, Thursday and Saturday; and c) commercial users may only irrigate on Monday, Wednesday and Friday.

Level B:

Outdoor landscape watering shall only be allowed two (2) days per week on designated days as follows: a) residential users with even numbered addresses may only irrigate on Sunday and Wednesday; b) residential users with odd numbered addresses may only irrigate on Tuesday and Saturday; and c) commercial users may only irrigate on Monday and Friday.

Level C:

Outdoor landscape watering shall only be allowed one day per week on designated days as follows: a) residential users with even numbered addresses may only irrigate on Sunday; b) residential users with odd numbered addresses may only irrigate on Saturday; and c) commercial users may only irrigate on Friday.

Level D:

Outdoor landscape watering shall only be allowed two (2) days per month on designated days as follows: a) residential users with even numbered addresses may only irrigate on the second and fourth Sunday of the month; b) residential users with odd numbered addresses may only irrigate on the second and fourth Saturday of the month; and c) commercial users may only irrigate on the second and fourth Friday of the month.

Level E:

Outdoor landscape watering shall only be allowed one day per month on designated days as follows: a) residential users with even numbered addresses may only irrigate on the second Sunday of the month; b) residential users with odd numbered addresses may only irrigate on the second Saturday of the month; and c) commercial users may only irrigate on the second Friday of the month.

From October 1 to April 30, in the event there is inclement weather and outdoor landscape watering is precluded on a designated watering day, then outdoor landscape watering shall be allowed for the affected water customers as follows: a) residential users with even numbered addresses may only irrigate on the fourth Sunday of the month; b) residential users with odd numbered addresses may only irrigate on the fourth Saturday of the month; and c) commercial users may only irrigate on the fourth Friday of the month.

2. Outdoor landscape watering shall not exceed: a) for residential users, three (3) hours each designated watering day; and b) for commercial users, twenty (20) minutes per zone or area for pop up fixed spray sprinklers and forty five (45) minutes per zone or area for pop up rotary type sprinklers (including, but not limited to, impact or gear drive).

3. From April 15 through October 15, outdoor landscape watering shall only be allowed on designated days as set forth in this section between twelve o'clock (12:00) midnight and nine o'clock (9:00) A.M. or between six o'clock (6:00) P.M. and twelve o'clock (12:00) midnight.

4. Outdoor landscape watering with a drip irrigation system or handheld container is allowed at any time. Outdoor landscape watering with a handheld hose equipped with a positive shutoff nozzle is allowed at any time for landscape, excluding turf grass. Notwithstanding the foregoing, during levels D and E of a Stage II water shortage, from April 15 through October 15, outdoor landscape watering with a handheld hose equipped with a positive shutoff nozzle is allowed at any time for trees and shrubs only.

5. If there is no street address associated with the premises, such as a parkway or median (private or public), the outdoor landscape watering schedule for commercial users shall be followed.

B. Prohibited Activities: No water customer shall: 1) apply water to any turf grass,

sodded or landscape area resulting in the pooling or flowing of water across the ground or into drainageways, including, but not limited to, gutters and storm sewers; 2) fail to repair any irrigation system that is leaking; or 3) apply water intended for landscape irrigation to an impervious surface, such as a street, sidewalk, driveway, patio or deck.

C. Washing Vehicles And Equipment: Motor vehicles, trailers, boats and other types of equipment shall be washed only on Saturdays, Sundays or during a water customer's designated watering days as set forth in subsection A1 of this section and only with a handheld hose equipped with a positive shutoff nozzle for quick rinses or with a bucket, except that washing of vehicles, trailers, boats and equipment may be done by a commercial car wash. Each commercial car wash must develop, maintain on site and comply with a best management practices plan that demonstrates optimal use of water. This plan must be available for review and approval upon request by the District at all reasonable times. The District may require periodic reporting to demonstrate optimal use of water.

D. Washing Impervious Surfaces: There shall be no hose washing of sidewalks, walkways, patios, driveways, parking areas or other impervious surfaces, except to eliminate conditions that pose a threat to public health or safety or when required as surface preparation for the application of architectural coatings or painting.

E. Use Of Water In Public And Private Water Features: The use of water in all public and private water features is prohibited except those using recirculating water. The use of recirculating water in all public and private water features shall be limited to no more than fourteen (14) hours per day. A sign shall be posted near the water feature stating designated operating hours and that it uses recirculating water. The foregoing shall not apply to the use of water essential to the support of existing exotic fish.

F. Filling And Refilling Ponds: Ponds shall be filled or refilled only during a water customer's designated watering day as set forth in subsection A1 of this section, and only with a handheld hose equipped with a positive shutoff nozzle. The foregoing shall not apply to the use of water essential to the support of existing exotic fish.

G .Drinking Water: No restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered for sale, shall serve drinking water unless expressly requested by a patron and shall display a notice to that effect.

H. Notice In Lodging: The owner or manager of every hotel, motel, inn, guesthouse, bed and breakfast facility and short term commercial lodging shall post a notice of the existence of a declared shortage.

I. Hydrant Permits: Hydrant permits shall be limited to approved uses established by the District and shall be subject to all applicable laws, ordinances, codes, rules and regulations related to temporary water service. The District will maintain a list of the then current approved uses.

K. Plants For Commercial Sale: Plants for commercial sale may be watered under a best management practices plan in lieu of compliance with restrictions contained in subsection A of this section. The commercial user must develop, maintain on site and comply with a best management practices plan that demonstrates optimal use of water. This plan must be available for review and approval upon request by the District at all reasonable times. The District may require periodic reporting to demonstrate optimal

use of water.

8.8 STAGE III SHORTAGE. A Stage III shortage may be declared when the Manager determines that: a) the expected yield of water available to the District from its Beaver creek exchange is less than 184 AF and lake levels in Bristlecone Reservoir are at least 10 feet below spill stage; or b) proactive measures should be taken to avoid or reduce the severity of a shortage. However, the Board of Directors must formally approve the declaration of a Stage III shortage by resolution. *District residents are put on notice that lake levels in Bristlecone and Pinon Reservoirs are likely to materially decline as no effort will be made to replace lake evaporation during this shortage condition. Moreover, the District may further contribute to the decline in the level of Bristlecone Reservoir by using water in storage to help meet expected demand.* In addition to the Stage II restrictions set forth above, the following restrictions on the use of water by water customers shall be in effect during a Stage III shortage, except that in the event of a conflict the following restrictions shall prevail:

A. Indoor industrial and commercial water use shall be reduced by an amount, to be determined by the District, in relationship to the severity of the shortage, which amount shall not exceed fifteen percent (15%).

B. No additional water connections to the water system will be allowed.

C. The use of water for cooling or air conditioning spaces for the purpose of personal comfort shall be restricted to that amount of water necessary to maintain a minimum air temperature of seventy eight degrees Fahrenheit (78°F), and all thermostats controlling the use of water for cooling within a building or structure shall be set at seventy eight degrees Fahrenheit (78°F) or higher.

D. Outdoor watering shall be prohibited except for limited irrigation to sustain large trees with trunks of at least six inches (6") in diameter, measured at the base of the tree.

E. Washing of motor vehicles, trailers, boats and other types of equipment shall be prohibited, except that washing may be done by a commercial car wash. Operating days for commercial car washes shall be restricted to Sunday, Tuesday, Thursday and Saturday.

F. The use of water in all public and private water features shall be prohibited.

G. Filling or refilling any pond shall be prohibited.

8.9 DURATION OF WATER USE RESTRICTIONS. The District will regularly evaluate the expected yield and projected demand to determine whether it is necessary to continue the water use restrictions of a declared stage or level. Stages and levels may be declared in accord with sections 7.6, 7.7 and 7.8 of this part and, if water supply conditions warrant, the Manager may either downgrade or withdraw a declaration of a Stage II or Stage III shortage, subject to Board of Director approval by resolution.

8.10 ALTERNATIVE WATER MANAGEMENT PLANS.

A. General: A water customer may request relief from applicable provisions of this

part by filing an alternative water management plan with the District. The District intends to provide water customers with the ability to design water management alternatives that give water customers flexibility in meeting the requirements of this part while achieving maximum conservation goals. Additionally, the District intends to acknowledge previously implemented water conservation measures.

B. Alternative Water Management Plan: Alternative water management plans shall contain proposed water reduction measures or otherwise demonstrate optimal use of water. The District may require periodic reporting to demonstrate optimal use of water. In the event a water customer submits an alternative water management plan for irrigation, the water customer's plan shall be in accord with the District's irrigation criteria.

C. Approval: No alternative water management plan shall be approved unless the water customer affirmatively demonstrates that: 1) proposed water reduction measures achieve at least the same level of demand reduction as the applicable restrictions of this part; or 2) recently implemented water conservation measures achieve at least the same level of demand reduction or efficiency as the applicable restrictions of this part ; or 3) the water customer has a critical need, which may include, but not be limited to, the watering of heavily used athletic or playing fields. Alternative water management plans must be reviewed and approved by the District in writing based on the then current criteria established by the District before a water customer may implement any alternative water management plan. The water customer shall comply with the conditions of the approved alternative water management plan unless good cause exists for changes to the plan and the plan is amended accordingly and approved as set forth in this subsection. Any water customer with an approved alternative water management plan shall post a notice of the existence of the plan on the premises so as to be visible from a public street at all times during the term of the plan. A copy of the posted notice will be provided by the District. The District may withdraw or amend approved alternative water management plans upon the movement to a different declared stage or outdoor landscape watering level.

D. Violations: In the event a water customer violates any condition of an alternative water management plan approved under this section, then the approval granted under this section may be withdrawn, and the District may add a charge to the water customer's bill equal to one hundred dollars (\$100.00) for a residential user and five hundred dollars (\$500.00) for a commercial user.

8.11 EXCEPTIONS.

A. Water customers may use water essential to protect the general public health, safety or welfare.

B. During any level of a declared Stage II shortage, a water customer installing landscape material may obtain an establishment permit for the purpose of irrigating the installed landscape material at times other than as set forth in section 7.7 of this part. Applications for establishment permits shall be submitted to the District on a form supplied by the District, and shall include all necessary supporting documentation. Applications shall be accompanied by a fifty dollar (\$50.00) permit fee. The applicant shall comply with the conditions of the establishment permit. The establishment permit shall be displayed on the premises so as to be visible from a public street at all times during the term of the establishment permit. During Levels C, D and E of a Stage II

water shortage, from May 1 through September 30, there shall be no outdoor landscape watering for establishment except as set forth in section 7.7 of this part, regardless of whether a water customer holds an establishment permit. In the event a water customer violates any of the requirements set forth in this section, then the establishment permit will be revoked.

C. Irrigation systems may be operated at any time for cleaning and maintenance purposes, but this limited operation shall not exceed ten (10) minutes per zone per week. On a residential user's premises, an attendant must be on site and visible throughout the entire maintenance operation. On a commercial user's premises, an attendant must be on site and a sign indicating maintenance is being performed must be posted and visible from a public street throughout the entire maintenance operation.

8.12 ACCESS TO PREMISES. Whenever necessary for the purposes of investigating any alleged violation of this part, the District shall have the power, upon the presentation of proper credentials, to enter and inspect at any reasonable time and in any reasonable manner the exterior of a water customer's premises.

8.13 LIABILITY. Each water customer shall be responsible for compliance with this part with respect to the water customer's premises, and shall be responsible for applicable charges for noncompliance with this part. In the event of an alleged violation of this part, proof of the existence of a declared water shortage and proof of any violation of any restriction set forth in this part, together with proof that the violation originated at any water customer's premises, shall constitute a rebuttable presumption that the water customer is responsible for the violation.

8.14 VIOLATIONS AND CHARGES.

A. In the event a violation of this part occurs on a water customer's premises, the water customer is subject to imposition of the following:

1. For a first violation of a Stage I or Stage II restriction as set forth in sections 7.6 or 7.7 of this part within a calendar year, the District shall notify the water customer in writing of the violation and issue a written warning to the water customer.

2. For a second violation of a Stage I or Stage II restriction as set forth in sections 7.6 and 7.7 of this part within a calendar year, the District shall notify the water customer in writing of the violation and add a one hundred dollar (\$100.00) charge to the water bill for the premises.

3. For a third violation of a Stage I or Stage II restriction as set forth in sections 7.6 and 7.7 of this part, within a calendar year, the District shall notify the water customer in writing of the violation and add a two hundred fifty dollar (\$250.00) charge to the water bill for the premises.

4. For a fourth or any subsequent violation of a Stage I or Stage II restriction as set forth in sections 7.6 and 7.7 of this part within a calendar year, the District shall notify the water customer in writing of the violation and add a five hundred dollar (\$500.00) charge to the water bill for the premises.

5. For a violation of a Stage III restriction as set forth in section 7.8 of this

part within a calendar year, the District shall notify the water customer in writing of the violation and add a charge to the water bill for the premises equal to the following: a) for a first violation, a one hundred dollar (\$100.00) charge; b) for a second violation, a five hundred dollar (\$500.00) charge; and c) for a third violation, and for any subsequent violation, a one thousand dollar (\$1,000.00) charge.

6. For a fourth violation, and for any subsequent violation, during any Stage II or Stage III shortage, the District may, in its discretion: a) disconnect water service to the premises on which the violations occurred in accord with the Rules and Regulations of the District; or b) restrict water flow to the water customer at the premises at which the violations occurred. Any flow restriction shall remain in place for a period determined by the District, based upon the severity of the violation as well as the applicable declared stage.

B. Whenever a water customer is found by the District to be in violation of this part, a notice of violation must be issued. The notice of violation must be on a form prescribed by the District.

C. The notice of violation must be served upon the water customer by fixing the notice to the premises of the water customer in a conspicuous place, by personal delivery or sent by U.S. mail. If by mail, service shall be deemed complete upon mailing. Service of the notice of violation by affixation has the same force and effect and is subject to the same penalties for disregarding a notice, as if the notice of violation were personally served on the water customer. For purposes of this part, a person who is of full legal age and who resides at the premises is deemed to be the agent of the water customer to receive a notice of violation.

D. Any charge assessed pursuant to this part shall be collectible in the same manner as a water charge under the Rules and Regulations tariffs of the District.

E. Whenever a water customer fails to correct a violation within the correction period set forth on a notice of violation, this failure to correct shall constitute an additional violation.

F. Except for any charge assessed pursuant to section 7.10 of this part, any charge assessed a commercial user pursuant to this part shall be equal to two (2) times the applicable charge.

8.15 DISPUTE RESOLUTION. Any water customer's dispute with the District concerning this part shall be resolved in accord with the dispute resolution procedure set forth in the Rules and Regulations of the District.

9. Adoption of Design and Construction Specifications and Sewer Use Regulations – The Design and Construction Specifications for Water Distribution and Wastewater Collection for Donala Water & Sanitation District are formally adopted as the Specifications for Forest Lakes Metropolitan District. In addition, the Sewer Use Regulations for Donala Water & Sanitation District are formally adopted as the applicable Regulations for Forest Lakes Metropolitan District.

10. Adoption of Rules and Regulations - These Rules and regulations are hereby adopted this date, the 7th day of March , 2016.

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