

BMR METROPOLITAN DISTRICT SHUTOFF AND LATE FEE POLICY

8.8.2 Payment of Charges by Owner. All fees and charges due for water service, including but not limited to water usage, inspection charges, collection charges, turn on and turn off charges, and any other rate, fee, and charge relating to water service (“water charges”) shall be chargeable against the premises receiving the service and all unpaid water charges shall constitute a lien against such premises until paid.

8.8.2.1 Change of Ownership. A change in premises ownership shall not affect the District’s lien for any unpaid water charges. Further, the failure of a purchaser to discover that he has purchased property against which a lien for unpaid water charges exists, shall in no way affect the validity of the lien or the liability of the premises for payment.

8.8.3 Procedures for Payment. The BMR Metropolitan District (“District”) shall cause billing for water service to be rendered monthly or at such other convenient interval as determined by the Board. Water service shall be billed at rates established by the Board as the same may be changed from time to time by appropriate Board resolution.

8.8.3.1 Due Date. Billing for water charges and other notices shall be effective upon mailing said billing or notice to the last known address of the user or owner as shown on District records. Water charges shall be paid in full no later than 25 days from the date of billing and are delinquent thereafter.

8.8.4 Non-Payment of Charges. Fees and charges levied for water service shall be deemed delinquent if not paid within 25 days from the date of billing. All delinquent water charges shall be assessed the following additional fees:

8.8.4.1 Late Fee. A late fee of \$15.00 shall be assessed for each water charge that becomes delinquent (“delinquent amount”); provided, however, that no such late fee shall be assessed for any delinquent amount that is paid in full within five (5) days after the due date; and provided, further, that only one such late fee shall be assessed on the delinquent amount no matter how long said delinquent amount or portion thereof remains in default.

8.8.4.2 Collection Costs. In addition to the late fee provided for herein, delinquent accounts shall be charged 100% of the costs of collection incurred by the District, including but not limited to, any County Treasurer fees, court costs, attorney’s fee, together with any and all other collection costs incurred by the District.

8.8.4.3 Interest. All delinquent water charges shall bear interest at the rate of 1% per month or a fraction thereof.

8.8.4.4 Lien. All water charges shall be a lien upon the premises served until paid. Said lien may be foreclosed in the same manner as provided by the laws of the State of Colorado for the foreclosure of mechanics liens. In addition, all unpaid water charges that satisfy the requirements of Section 32-1-1101(1)(e), C.R.S., maybe certified to the County Treasurer for collection with the real property taxes.

8.8.5 Suspension of Service. The District may physically suspend or discontinue water service to the premises served without any obligation to refund any payment received for any of the following reasons:

8.8.5.1 Failure to Pay. Water charges for the premises are or have been delinquent for 60 days or more.

8.8.5.2 Violation of Rules and Regulations. Failure to comply with any of the rules and regulations of the District relating to water service including any unauthorized cross connection or failure to install or maintain a required backflow prevention device, a detector check valve, and meter, or meter on the service line.

8.8.5.3 Unauthorized Use of Water. Any unauthorized use of water including use of water for purposes on or about any premises not authorized by the tap license for the premises.

8.8.6 Notice of Proposed Suspension. When charges remain unpaid for 60 days or more as set forth below, the District will provide notice of proposed suspension of water service in writing to the premises; to the person normally billed for water service at the premises; and to a third party if the District has been notified of the name and address of the third party. The Notice of Proposed Suspension shall include the following information: (1) The effective date of the proposed suspension, which shall be no sooner than ten (10) days following the date of the Notice. (2) The amount of payment due, which must be paid prior to the effective date to avoid suspension of service. (3) A contact phone number for questions about the proposed suspension. (4) Notice that the owner or occupant is entitled to a hearing to determine whether reasonable cause exists for suspension, whether the suspension should be undertaken, and whether there are extenuating circumstances. Notice of Hearing shall be met by mailing a Notice via certified mail, returned receipt requested, or by hand delivery to the occupant owner or agent of the owner.

8.8.6.1 Payment Not Received. In the event that payment is not received as demanded in the Notice of Proposed Suspension and no Hearing is requested in writing within the time specified in the Notice, the District may suspend service to the premises upon the expiration of the period.

8.8.6.2 Hearing. The Hearing shall be scheduled within 10 days of the written request at a location selected by the District and the Hearing shall be conducted

by the District's Manager and one or two Board members may attend if they so desire. The owner and/or occupant may appear in person and may be represented by a person of his choice, may present evidence and argument, and may question any person, testimony or statement.

8.8.6.3 Suspension for Non-Payment. If, as a result of the Hearing, it is determined that reasonable cause exists for suspension, the District may suspend service to the premises. All costs of disconnection, reconnection and reasonable attorney fees of the District relative to the matter shall be paid by the owner prior to or at the time of reconnection. Upon the payment of all fees, costs and charges, the District shall provide for the reconnection of the premises to the water facilities of the District.

8.8.7 Payment Plans. The District, acting through its Manager, may allow a customer whose account is delinquent to bring such delinquency current pursuant to a specific and mutually agreed upon payment plan that shall not exceed 12 months in duration; provided, however, that no payment plan will be offered when the delinquent amount is \$500 or less. No customer shall be offered they payment plan option more frequently than once in every three consecutive year period as measured from the date that customer's most recent payment plan was implemented. To keep a payment plan in effect, the customer must make all plan payments as scheduled and also pay all current water fees and charges as they become due. If a scheduled plan payment is not made when due, the payment plan shall be considered terminated, and the remaining outstanding delinquent water charge balance shall become due and payable immediately and shall be subject to delinquency charges and suspension of service for nonpayment as provided herein.

8.8.8 Certification to County. When water charges remain unpaid and the amounts exceed \$150.00 and are six months delinquent, the District may, in addition to other remedy provided by law, certify said amounts for collection with the real property taxes in accordance with the provisions of Section 32-1-1101(e), C.R.S.