

**LOOKOUT MOUNTAIN WATER DISTRICT
RESOLUTION NO.
LATERAL POLICY ENFORCEMENT PROCEDURE**

WHEREAS, the Lookout Mountain Water District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Article 1, Colorado Revised Statutes; and

WHEREAS, pursuant to § 32-1-1001, C.R.S. and § 32-1-1006, C.R.S., the District has all rights and powers necessary or incidental to or implied from the specific powers granted to special districts pursuant to Title 32, Article 1; and

WHEREAS, the distribution system of the District is composed of and supported by privately owned lines and systems of lines generally known as Laterals; and

WHEREAS, it shall be the responsibility of the owner or owners of a service line or privately owned lateral to protect the integrity of the public water system by maintaining said lines and their connections to the Main in good repair at all times. While the District has the responsibility of safe and efficient operation of its entire public water system and, accordingly, the authority to make inspections and enforce proper maintenance and timely repair of privately owned components, the District undertakes no financial or other liability for maintenance or repair of said components; and

WHEREAS, Lateral owners shall at all times maintain their lateral line and keep it adequately protected from damage, according to District construction and mechanical specifications. Lateral owners shall repair leaks as soon as possible. Lateral owners are responsible to promptly reimburse the District for expenditures made on their behalf, regardless of whether notice was provided in advance or after the fact. The District may make recommendations regarding repairs and maintenance that are of mutual benefit to the lateral system and the District in writing; if the lateral owners are unable to complete the recommended items within the recommended timeline, they should provide an explanation to the District in writing; and

WHEREAS, the Board has adopted a policy regarding acquisition or acceptance of laterals, which policy provides that upon the request of lateral owners the District may acquire laterals under such circumstances, conditions, and circumstances as the District in its sole discretion determines. The information required, basis for requirements and conclusions, opinions and decisions reached by the District shall be solely within the discretion of the District. The District’s decision shall, however, be decided in a manner which will primarily protect the District against costs and expenses which historically have been borne solely by the owners of laterals.; and

WHEREAS, The Board wishes to encourage the lateral owners to adopt and enforce policies oriented toward eventual acquisition or acceptance of the lateral infrastructure by the District; and

NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the Board of Directors of the Lookout Mountain Water District that the owners of a privately owned lateral system, however organized or constituted, may petition the Board for assistance in enforcing a properly adopted, lawful policy of said owners; and

1. Lateral owners may submit to the Board in writing a description of the policy, the name and property address of the noncompliant property owner, a description of the nature of the noncompliance, and a specific request for desired enforcement.
2. The Board shall make a preliminary finding of whether the petition is sufficient on its face, whether the policy and noncompliance warrant an exercise of the District's power and authority to preserve and protect the safety of the public waterworks.
3. Upon a finding of sufficiency, the Board shall have mailed to the property owner a notice of hearing, which hearing shall be held at a regularly scheduled board meeting and shall be open to the public. The Board may authorize such other form of notice as is reasonably calculated to provide actual notice to the property owner.
4. The hearing shall be scheduled for and held within 75 days of the submission of the petition and the notice shall contain a date, time, and location of the hearing and shall inform the property owner of the right to attend.
5. On the date of the hearing, the Board shall hear from a representative of the lateral owners, the property owner, its consultants, and such other interested parties as are appropriate for a determination of the issue. The Board may decide whether and how to enforce the policy immediately or may hold over the matter to the next regular meeting of the Board.
6. The decision of the Board shall be reflected in the minutes and shall be final. Enforcement shall take the form of the exercise of any of those powers the Board is authorized to take on behalf of the District itself, which shall not constitute a delegation of authority to the lateral.

Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Effective Date. This Resolution shall take effect and be enforced immediately upon its approval by the Board and shall be valid indefinitely, unless earlier terminated or modified by the Board.

ADOPTED this 10th day of March, 2025.

Lookout Mountain Water District

By: Barbara Nevins
Barbara Nevins, President

Attest:

Nickie Holder
Nickie Holder, Secretary

