

KITTITAS COUNTY WATER DISTRICT NO. 5
RULES AND REGULATIONS
RESOLUTION NO. 9/28/76-1

A RESOLUTION of the Board of Commissioners of Kittitas County Water District No. 5, adopting comprehensive rules and regulations governing the service of water to customers, the inspection, maintenance and protection of the water system and premises, miscellaneous provisions concerning water service and shortage, the incorporation and adoption of resolution.

WHEREAS the District deems it advisable to collect its rules and regulations in one location for the benefit of the residents of the District, the District and its employees; and

WHEREAS certain rules and regulations need to be amended to conform with current practice; and

WHEREAS it is necessary for the protection of the health, welfare and safety of the District and its inhabitants that the District adopt a comprehensive set of operating rules,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Kittitas County Water District No. 5, as follows:

I.
DEFINITIONS

For the purposes of this Resolution, the following words or phrases or pronouns used in place thereof, shall have the meaning as set forth below.

- A. District. The term "District" shall mean Kittitas County Water District No. 5, or as indicated by the context, may mean the Board of Commissioners or other District officials or agents representing the District in the discharge of its duties.
- B. Board of Commissioners. The duly elected, qualified and acting Water Commissioners of Kittitas County Water District No. 5.
- C. General Manager. The General Manager of the District as appointed by the Board of Commissioners. Certified General Water Manager appointed by Resolution 1-04-94, as required by Washington State Health Department Regulations.
- D. Premise or Premises. Each separate, detached, self-contained and occupied dwelling unit or structure located within the boundaries of Kittitas County Water District No. 5. For purposes of this definition a mobile home or trailer used as a dwelling unit shall be considered a premises.

- E. Service Connection. The term “Service Connection” shall include the connecting pipe between the curb stop and the premises.
- F. Person, Customer, Owner, Occupant and Agent. Whenever used in this Resolution the terms “Person, Customer, Owner, Occupant or Agent” shall be held and construed to mean and include natural persons of either sex, association, co-partnership, incorporation, whether acting by themselves or as a servant, agent, or employee; the singular number shall be held and construed to include the plural and the masculine pronoun to include the feminine.
- G. Residential Use. All household uses, lawn sprinkling, garden irrigation, private garage use, domestic stock use and all other uses as may be required in or around a private home.
- H. Service or Water Services. The act of providing water to a customer through a physical connection between the District’s water system and the customer’s water system. For the purposes of this definition, a customer’s water system includes, but is not limited to, the permanent water system on the customer’s premises and any movable or temporary water system or containers. Water shall be deemed to be in service when turned on at the curb stop by the District or if there is apparent any visible sign of connection to the water system or water use.

II.

SERVICE

The water system of the District is intended to serve all customers with adequate, efficient, safe and reasonable services and facilities, on the following terms and conditions:

- A. Application for Service.
 - 1. All applications for service to and the use of water within any premises shall be made at the office as designated by the District on forms printed and supplied by the District. As part of the application for service, the applicant must agree to comply with all of the rules and regulations of the District as established by the Board of Commissioners. In the absence of a signed agreement or application for service, the delivery of service by the District and the acceptance by the customer shall constitute a contract between the customer and the District.
 - 2. The owner shall be liable to pay for water consumed from the date of installation unless another date shall be specified therein for the beginning of service.
- B. Providing Service.
 - 1. The Board of Water Commissioners of Kittitas County Water District

requires the use of water meters by each customer of the District. The district shall make the sole determination of the size of the service connection and meters, if any.

2. The Board of Water Commissioners of Kittitas County Water District 5 amend the fees for initial water service to the district as follows by resolution 06.08.2023.
Kittitas County Water District No 5 will charge customers \$2,500.00 base rate for the cost of installing one meter plus, a \$4,000.00 new customer fee to join the Kittitas County Water District No 5. The installation cost of \$2,500.00 shall be subject to adjustment as follows. If the installation exceeds the \$2,500.00 base rate the customer will be billed any additional charges and water service will not be established until the additional charges are paid in full. If the cost to install the water meter is less than the \$2,500.00 base rate the difference will be refunded to the customer as a credit to their account on the next billing cycle.

C. Charges and Billing Procedures.

1. A statement of charges for water service shall be rendered bi-monthly at the rate set forth by resolution. Bills shall be payable at the office of the district or at such other locations which may be authorized by the district. All accounts shall be kept by the district by the account number, lot and block and the name of the street for each premise supplied with water, together with the name of the owner. The owner shall not be relieved of his liability for payment of the bill by designating another person to receive said bill. All accounts for water shall be kept in the name of the owner of the property, not in the name of the tenant/renter, and the owner only, or his legally authorized agent, shall be responsible for payment of the water rates.
2. All accounts shall be classified as delinquent if not paid in full by the past due date as set forth in the statement. On the date of delinquency, a late charge may be assessed at such rates as set forth by resolution.
3. All charges for service, together with any late charges as may be assessed, shall be deemed charges against the property served and shall be a lien against the property upon which the service was received.

D. Discontinuance of Service.

1. Service will be continued to each premises until the District is notified, in writing, by the owner or his designated agent to discontinue service, or until service is discontinued pursuant to provisions of this resolution or pursuant to any other resolution of the District which provides for discontinuance of service.
2. In the event a statement is not paid in full by the past due date, the District may discontinue and disconnect service to the customer pursuant to the following procedures:

- a. Per Resolution 2.10.2011 the District shall notify the property owner or his designated agent that the bill is past due, and that he has the right to appear at the next Meeting of the Board of Commissioners to dispute the amount of the bill or to set forth the reasons why he has not paid the bill. Resolution by the Board of Water Commissioners of Kittitas County Water District 5 to change the amount of delinquency required for notifying customers of impending water shut off.
 - b. Customers who become delinquent for two (2) billing periods will have 30 (30) days to reconcile the account. If reconciliation is not made, the water service will be disconnected. Fees for reconnection of service will be in accordance with Section V, Paragraph E, herein. Whenever service has been discontinued, disconnected or terminated by the District for violation of these rules and regulations or for failure to pay any charges then due, service shall not be renewed until all past charges are made current, including reconnection fees.
3. The District reserves the right, at any time, without prior notice, to shut off the water supply in the event the District determines that there exists an immediate danger of contamination of the public water supply. Provided that the District will post a notice on the premises explaining why the water was shut off, at the time it is shut off.
 4. The District reserves the right, at any time, to shut off the water supply for repairs, extensions or emergencies. In the event the water is shut off pursuant to this paragraph, the District shall use its best efforts to notify all affected property owners. The District shall not be responsible for any damage caused, or claimed to have been caused, by any interruptions of water service, or for any other damage whatsoever, however caused, resulting from the discontinuance of water service, lowering of pressures or operation of the system.

III.

INSPECTION, MAINTENANCE AND PROTECTION

- A. Authorized employees of the District, properly identified, shall have free access at reasonable hours of the day to all parts of the premises, or within buildings thereon, to which water is supplied from the District's water mains for the purpose of checking conformity to regulations and for inspection of the premises with respect to conformance with cross-connection rules and regulations.
- B. Whenever the owner or tenant of any premises supplied by the District interferes with the authorized employees' inspection, water service may be terminated, discontinued, or disconnected upon the District giving notice to the property owner or his designated agent pursuant to the notice provisions of section 11, D, paragraph 2 of this resolution except that the notice shall refer to the failure to allow an inspection, not to past due bills.

- C. No person shall disturb, interfere or damage any water main, water pipe, shut-off valve, meter, or any other appliance belonging to, connected with, or under the control of Kittitas County Water District No. 5 unless such person is a duly authorized agent of the District. Any person violating this paragraph shall be liable to the District for any damage caused as well as the cost of repair.
- D. Added by Resolution 01-08-2015-To allow Commissioners to charge a Tampering Fee for intentional damage to District property. A Tampering fee of \$250.00 per incident may be charged when the Commissioners have determined that there has been intentional damage done to District property.

IV.
CROSS-CONNECTION

- A. No water shall be supplied to any premises which at the time of connection to the District system, or thereafter, shall have connected to the owner’s system any source of water supply other than that provided by Kittitas County Water District No. 5.

V.
RATES

- A. Board of Water Commissioners of Kittitas County Water District 5 does hereby resolve to increase the bi-monthly water services charge from \$88.00 to \$100.00, and to increase the water usage fees as shown. Increase to be effective June 1, 2023. The basic fee and usage fees will increase every year thereafter by 4%.

The bi-monthly water rate (per 1,000 cubic feet, or portion thereof) shall be:

		Totals
\$100.00	0-2000	\$100.00
+ \$55.00	2001-3000	\$155.00
+ \$71.00	3001-4000	\$226.00
+\$156.00	4001-5000	\$382.00
+\$290.00	5001-6000	\$672.00
+\$290.00	Each additional 1000	

- B. **Credit for Consumption Caused by Leakage**

Water leakage beyond the water meter is the responsibility of the property owner. Upon request, the Kittitas County Water District 5 Board of Water Commissioners will consider a partial credit for consumption caused by leakage on the customer’s property under the following conditions:

- a. Request must be in writing.
- b. The Customer must provide proof of repair and inspection by the District’s Water Manager before any credit is considered.

- c. Credit may be granted no more than once every 24 months.
- d. Commissioners will consider the request at the next regularly scheduled Commissioners' Meeting.
- e. If relief is granted, it will be noted in the customer's records, a notice will be sent to the customer and credit will be posted on the next billing statement.
- f. Relief granted will be no more than 50% of the overage for that billing period unless there are special circumstances.
- g. If repair or replacement and inspection is not made within 30 days after official notice has been given, the District may turn off the water. Proof of repair and inspection must be presented to have the water turned back on.
- h. If there are special circumstances, the Board may consider the special circumstances in the decision to grant credit.
- i. The customer must present a written request for credit.

- C. The application for water service fee for new customers is \$50.00.
- D. A reconnect charge of \$350.00 will be made in each case where service is discontinued by the District because of delinquency of payments, written request of disconnection by customer, or violations of sections III and VI.
- E.
 - 1. Late Charges. Resolution by the Board of Commissioners of Kittitas County Water District No. 5 to establish the late payment, 30 days past due, fee at \$10.00.
 - 2. Late Charges Credit, Customers, by written request, are allowed to apply for a credit for a late charge on the account. Credit will only be allowed one time in any 24-month period.
- F. Shut-Off/ Water Lien Notice Fees and Lien Fees. Resolution by the Board of Water Commissioners of Kittitas County Water District 5 to charge to the customer all postage, delivery fees, notary service and recording fees related to Water Shut-Off/Lien Notices and the filing and releasing of liens made necessary by delinquency in payment of water service fees.
- G. The Fee for disconnecting customer meter from the district's Water System is \$500.00 plus all fees, including lien fees, owing at the time of disconnection to have the meter to their property disconnected from Kittitas County Water District 5. If the property owner (or successors) requests future reconnection of the parcel to the District's water system, it will be treated as a new connection, subject to water availability and payment of all applicable fees.
- H. Maintenance Fee for locked off water services. A fee of \$15.00 per month (\$30.00 per 60-day billing period) for any water service that has been locked off at the water meter. This applies to all locked off services, regardless of the reason for lock off.

VI.
UNAUTHORIZED ACTS

The following acts by any person other than an employee of the District are prohibited and subject to penalty except when expressly authorized by the District in writing.

- A. Opening, shutting, or otherwise tampering with valves except in extreme emergency when District personnel are unavailable.
- B. Cutting into, connecting to, moving, altering, exposing or tampering with any part of the District's water distribution system.
- C. Turning on a water connection which has been shut off or shutting off a water connection which has been turned on.
- D. Paving or covering over or otherwise concealing any valve, valve marker or other part of the water distribution system that is normally exposed for use or maintenance.
- E. Substantially altering the grades surrounding a curb stop from the level as it was when the curb stop was established.
- F. Permitting more than one residential unit to use water from a single service connection, except as otherwise authorized by the District.
- G. Breaking any seal affixed by District personnel to any valve connected to the water distribution system.

VII.
MISCELLANEOUS PROVISIONS

- A. In the case of shortage of water in the District, the District reserves the right to make any order forbidding or limiting the use of water for swimming pools, irrigation or sprinkling, and may, in its discretion, make such order at any time by giving the proper notice. Any person who knowingly violates such order shall be subject to a penalty of \$50.00 for the first offense, \$75.00 for the second offense and \$100.00 for each subsequent offense, which shall be charged against the person or premises to which water is supplied.
- B. In the event of a shortage of water caused by any emergency, disaster or malfunction in the District's system, the District reserves the right to make any order forbidding or limiting the use of water to its customers. In making such an order, the District will use its best efforts to continue service to those customers who, in the sole discretion of the District, are most in need of water service. Any customer who has reason to expect priority in the event of a water shortage may make that fact known to the District, in writing, and the

District will use its best efforts to comply with such request in the event of a shortage. In making the determination of which customers are most in need of water service, the health and safety of the residents in the District shall be the primary consideration.

VIII.

RESERVABILITY

If any section, sentence, clause, phrase, or portion of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the part held invalid or unconstitutional shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of the resolution.

Resolution 12-17-93 (Rate Change)
Resolution 1-04-95 (Hiring Water Manager)
Resolution 4-05-95A (Additions)
Resolution 7-11-96A (Rate Change)
Resolution 8-03-00 (Fee Change for New Customer and Initial Water Service Connection)
Resolution 8-24-00 (Rate and Fees Change, Billing Frequency Change)
Resolution 3-8-2001A (Billing Frequency Change)
Resolution 9-06-01B (Rate Change)
Resolution 3-14-02A (Charging Reconnect Fee to Owner Prior to Sale)
Resolution 11-13-03A (Fees for Expenses Relating to Delinquent Payments)
Resolution 1-08-04 (Water Rate Schedule For Billing From Meters)
Resolution 7-08-04A (Requiring the Use of Water Meters by All Customers)
Resolution 5-11-06 (Leak Policy)
Resolution 10-14-2010-B (Rate Change, Reconnect fee increase, Late Fee increase)
Resolution 2-10-2011 (To change amount of delinquency required for water shut off)
Resolution 7-14-2011-A (To amend the District's major leak policy)
Resolution 8-09-2012 (Rate change, Reconnect fee increase)
Resolution 06-05-2014 A (To authorize customers to order removal of water meters)
Resolution 06-05-2014 B (Rate change authorizing a maintenance fee for locked off water services)
Resolution 01-08-2015 A (Institution of a tampering fee for intentional damage done to district property)
Resolution 09-10-2015 (To authorize a late fee credit under certain circumstances)
Resolution 05-11-2017 (Rate change for basic fees and usage fees)
Resolution 04-13-2023 and Resolution 04-13-2023 A (Rate change for basic fees and usage fees)
Resolution 05-11-2023 B (Major Leak Program amended)
Resolution 06-08-2023 (Amending charge for new meters)

Amended and adopted by the Board of Commissioners of Kittitas County Water District No. 5 at a Regular Meeting thereof held on the 14th day of September, 2023.

KITTITAS COUNTY WATER DISTRICT NO. 5
KITTITAS COUNTY, WASHINGTON

Fred Marion Chairman/Commissioner

Sonja Busby Board Secretary/Commissioner

Joyce Jones Commissioner

ATTEST:

Sandy Malcolm, District Secretary