

ORDINANCE NO. 1
**AN ORDINANCE ESTABLISHING RATES, RULES AND
REGULATIONS FOR WATER SERVICE**
BY THE
KINGSBURY GENERAL IMPROVEMENT DISTRICT

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ORDINANCE NO. 1

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BY THE

KINGSBURY GENERAL IMPROVEMENT DISTRICT

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE KINGSBURY GENERAL IMPROVEMENT DISTRICT, DOUGLAS COUNTY, NEVADA, AS FOLLOWS:

ARTICLE I. DEFINITIONS

When used in this Ordinance, the following terms shall have the meanings defined below:

1.01 **ADDITIONAL DEFINITIONS:**

For the purpose of this Ordinance, additional terms, definitions and requirements of the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials then in effect, shall apply. Copies of this Code are on file with the District.

1.02 **APPLICANT:**

The person making application for a permit for water connection, who shall be the owner or authorized agent of owner to be served by the requested permit.

1.03 **APPLICATION FOR SERVICE:**

Shall mean the written request for water service on the District's form as distinguished from an inquiry as to the availability or charges for such service.

1.04 **APPROVED:**

Accepted by the District as meeting an applicable specification stated or cited in this Ordinance, or suitable in the sole judgment of the District for the proposed use.

1.05 **AUXILIARY WATER SUPPLY:**

Any water supply on or available to the premises other than the District's approved public water supply will be considered as an auxiliary water supply. These auxiliary waters may include, but not be limited to, water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, lake, or "used waters" or "industrial fluids." These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

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1.06 BACKFLOW:

The reversal of the normal flow of water caused by either backpressure or backsiphonage.

1.07 BACKFLOW PREVENTER:

An assembly or means designed to prevent backflow.

1.08 BACKSIPHONAGE:

The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source caused by the reduction of pressure in the potable water supply system.

1.09 BOARD:

Shall mean the Board of Trustees of the Kingsbury General Improvement District.

1.10 BUILDING:

Shall mean any structure used for human habitation or a place of business, recreation or other purpose containing water facilities or requiring water or sewer service.

1.11 CAPACITY RATIO

The relative flow of each water service line size as compared to that of a ¾" service.

Water Service Line Size	Capacity Ratio
1"	1.67
1.5"	3.33
2"	5.33
3"	10.67
4"	16.67
6"	33.33
8"	53.33

1.12 CONTAMINATION:

An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

1.13 CONTRACTOR:

Shall mean an individual, firm, corporation, partnership, association or other legal entity duly licensed by the State of Nevada to perform the type of work to be done under the permit.

1.14 COUNTY:

Shall mean the county of Douglas, Nevada.

1.15 CROSS-CONNECTION:

Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as hoses, swing connections, removable sections, four way plug valves, spools, dummy section of pipe, swivel or change-over devices or sliding multi-port tube.

1.16 CROSS-CONNECTION, CONTROLLED:

A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed, maintained and inspected as required by law, this ordinance or applicable codes so that it will continuously afford the protection commensurate with the degree of hazard.

1.17 CUBIC FOOT

The volume of water that occupies one cubic foot. A cubic foot is equal to 7.481 gallons.

1.18 CURB STOP:

The District's valve, typically located at or near the property line, by which water service to a property can be operated by District personnel.

1.19 CUSTOMER:

The legal owner of a property or premises, or the owner of a private water system having a service from the District.

1.20 DISTRICT:

Means the Kingsbury General Improvement District acting through its duly authorized officers or employees within the scope of their respective duties or authorities.

1.21 FIXTURE:

Shall mean any sink, tub, shower, water closet, dishwasher, clothes washer, irrigation system or outlet, or any plumbing fixture connected to the water system. The fixture unit value shall be as described and valued in the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials then in effect.

1.22 FLAT RATE:

Means service to a customer without a water meter or other means of determining water or sewer use.

1.23 GALLON

The volume of water that occupies 231 cubic inches.

1.24 HAZARD, DEGREE OF:

The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1.24.1 HAZARD, HEALTH:

Any condition, device, or practice in the water supply system and its operation that could create, or in the judgment of the District, may create a danger to the health and well being of the water customer.

1.24.2 HAZARD, PLUMBING:

A plumbing type cross-connection in a customer's potable water system that has not been properly protected by an approved air-gap or approved backflow prevention assembly.

1.24.3 HAZARD, POLLUTIONAL:

An actual or potential threat to the physical properties of the water system or the potability of the public or the customer's potable water system which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

1.24.4 HAZARD, SYSTEM:

An actual or potential threat of severe damage to the physical properties of the public potable water system or the customer's potable water system or of a pollution or contamination which would have a protracted affect on the quality of the potable water in the system.

1.25 INDUSTRIAL ESTABLISHMENT

A Business establishment, the waste from which has a greater concentration of suspended solids, or a greater biological oxygen demand (BOD), or chemical oxygen demand (COD), or is more variable in content and rate of discharge and may require more extensive or different treatment than domestic waste.

1.26 INDUSTRIAL FLUIDS SYSTEM:

Any system containing a fluid or solution that may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and "used waters" originating from the public potable water system which may have deteriorated in sanitary quality: chemicals in fluid form; plating acids and alkalines, circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, irrigation canals or systems, or the like; oils, gases, glycerin, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

1.27 MAIN:

Means a water line in a street, highway, alley or easement used for public fire protection and for District distribution of water.

1.28 MAINTENANCE:

Upkeep of property or equipment in good working order as required by law, this ordinance or applicable codes or dictated by industry practice, including tests, repair, renewal and replacement.

1.29 MANAGER:

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The general manager of the District, his or her successor or other person duly designated to perform the services or make the determinations permitted or authorized.

1.30 PERMANENT SERVICE:

Water services within the District are considered permanent, even though the use of the water may be continuous, intermittent or seasonal in nature unless specifically identified otherwise by the District. Typically permanent services will have paid a connection fee.

1.31 PERMIT:

Any written authorization required pursuant to this or any other regulation of District for installation of, or connection to the District water system, including without limitation, a permit to draw water from any District water system appurtenance.

1.32 PERSON:

Any individual, firm, partnership, corporation, limited liability company, joint venture, association, political subdivision, governmental agency, municipality, trust, estate or any other legal entity whatsoever.

1.33 POLLUTION:

The presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade or threatens to degrade its quality so as to impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for beneficial use.

1.34 PRIVATE FIRE PROTECTION SERVICE:

The furnishing of water by the District for connection to a private fire sprinkler system or private fire hydrant(s).

1.35 REMODEL; REMODELING:

To make over or rebuild portions of a building. The act or process of making over or partially reconstructing a building.

1.36 RESIDENTIAL UNIT:

A self-contained living unit with kitchen and bathroom facilities including those in single family homes, apartments, mobile homes, trailers, cabins, condominiums, townhouses, timeshare units and vacation club units or as otherwise defined by Douglas County. Douglas County's definition of "kitchen" shall apply. A self-contained area with its own kitchen and bathroom facilities that is partitioned off from or added to any existing residential unit or lot shall be considered a separate residential unit.

1.37 SERVICE AREA:

The water service areas and each thereof as may be duly established by the Board from time to time.

1.38 SERVICE CLASSIFICATIONS:

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Service Classifications shall be defined as follows:

A. RESIDENTIAL SERVICE

Service to a residential customer, including in a single-family dwelling, mobile home, or in an individual townhouse, condominium or apartment in a multiple residential unit building.

B. TIME-SHARE AND VACATION CLUB METERED SERVICE

Service to a cluster of at least ten (10) timeshare or vacation club units under one ownership or management as those designations are defined by Douglas County.

C. COMMERCIAL SERVICE

Service to customers engaged in selling, warehousing or distributing a commodity, in some business activity, or in a profession, or in some form of economic or social activity (offices, stores, clubs, schools, public service facilities, hotels, etc.), and for purposes that do not come under another classification.

D. INDUSTRIAL SERVICE

Service to customers engaged in a process that changes raw or unfinished material into another form or product (factories, snowmaking, pumping plants, extractive, fabrication or processing activities).

E. IRRIGATION SERVICE

Service to customers for agriculture, floriculture, or horticultural use or separate service for landscape or playing field irrigation.

F. PRIVATE FIRE PROTECTION SERVICE

The furnishing of water for connection to a private fire sprinkler system or private fire hydrants.

1.39 SERVICE CONNECTION:

The terminal end of a service extension from the public potable water system; i.e., where the District loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system usually at a water valve belonging to the District.

1.40 SERVICE LINE:

The piping running from the water main to the premises served and broken into two portions, the "District's service line" and the "customer's service line". The District's service line runs from the water main to the property line and includes the District's water valve and/or meter. The "customer's service line" is all piping between the house piping and the District's water valve.

1.41 TEMPORARY WATER SERVICE:

Means water service and facilities rendered for construction work and other uses of limited duration, and the water available therefore.

1.42 TIMESHARE UNIT:

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Means timeshare unit as specifically defined by Douglas County. Generally, this shall mean the real property or real property improvement in a project that is officially divided into time-share intervals.

1.43 VACATION CLUB UNIT:

Shall mean real property, which is used for vacation club purposes under the specific approval of Douglas County.

1.44 WATER, NONPOTABLE:

Water which is not safe for human consumption or which does not meet applicable State or Federal standards.

1.45 WATER, POTABLE:

Any water which, according to applicable State and Federal standards, is safe for human consumption.

1.46 WATER, USED:

Any water supplied by a water purveyor from a public potable water system to a customer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

ARTICLE II. GENERAL PROVISIONS

2.01 SHORT TITLE:

This Ordinance shall be known and may be cited as "Kingsbury General Improvement District Water Ordinance."

2.02 ENABLING LAWS:

This ordinance is adopted pursuant to the applicable provisions of NRS, Chapter 318, and other appropriate sections of Nevada Revised Statutes, Nevada Administrative Code and Douglas County ordinances.

2.03 MISSION:

The District will exercise reasonable care and diligence to deliver to its customers a continuous and sufficient supply of potable water at proper pressure and to avoid shortages or interruptions in service. The District shall not be liable for interruptions, shortages, insufficiency of supply, lack of potability, fluctuations or variations in pressure, or any loss or damage occasioned thereby.

2.04 SEVERABILITY:

If any section, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The Board hereby declares that it would have passed each section, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, sentences, clauses or phrases be declared invalid.

2.05 CONTROL OF SYSTEM:

The entire water system including metering and measuring devices shall be under the exclusive control and management of the District. When the District finds it necessary or convenient to make repairs or improvements to its system, District shall have the right to temporarily suspend the delivery of water. The District shall not be liable for any loss or damage occasioned thereby. Repairs or improvements will be made as rapidly as practical and at such times as will cause the least inconvenience to the customer.

2.06 PERMIT REQUIRED FOR WATER USE:

Connections and water use shall be made in accordance with the provisions of District rules, regulations, ordinances and specifications. No person shall connect, substantially increase or alter the use of water without making application to the District, securing a permit and paying applicable charges. This includes the addition of one or more residential units to an existing service through a building addition and/or the partitioning of an existing structure.

Anyone found to be using or substantially altering the use of a water service without the approval of the District will be held liable for the service utilized from the date of such use or from the earliest reasonable date that use can be determined. Charges for such unauthorized use will be considered to have been due when the use occurred and will be subject to the penalties due on delinquent amounts and such other damages and or penalties prescribed by law. No person other than duly authorized representatives of the District or fire department, shall open or draw water from any District service, including fire hydrants, without prior written approval and payment of all charges.

2.07 CONNECTION FEES AND SERVICE CHARGES:

Connection fees and service charges are fixed by the rules, regulations and ordinances of the District. Such fees and charges are included in Article IX, Water Service Billing Procedures and Special Charges; Article X, Service Rate Classifications; Article XI, Connection Charge Classifications; Exhibit A, Schedule of Water Service Rates and Charges; Exhibit B, Schedule of Water Connection Charges; and Exhibit C, Schedule of Some Other Charges.

2.08 ISSUANCE OF PERMIT:

Upon application for water service and payment of all applicable charges, the District will issue a water connection permit providing there is sufficient water and capacity available in the system to meet the requested service. The application may be denied if delinquent charges are owed to the District by the applicant or if applicant has not complied with all requirements of the ordinances, rules and regulations of the District, or owes charges to the District.

2.09 PROVIDING OF SERVICE CONNECTION, SIZE AND LOCATION:

A service connection of suitable capacity as determined by the District, from the District's distribution line to the curb or property line abutting the street or District right-of-way shall be provided to all subdivided lots. A service connection to a parcel of land not part of a developed subdivision will be the responsibility of the property owner. Any change in the location or size of an existing service connection and service line shall be solely the responsibility of the property owner. A change in line size requires a new connection permit and may require the payment of additional connection fees and/or the installation of a water meter.

2.10 STATE AND FEDERAL STATUTES -- CROSS CONNECTION:

The regulations of the State Department of Environmental Protection and of the U.S. Environmental Protection Agency prohibit unprotected cross-connections between the public water supply and any approved water source.

2.11 UNIFORM PLUMBING CODE:

The latest edition of the Uniform Plumbing Code of the International Association of Plumbing & Mechanical Officials adopted by Douglas County shall be followed for all water and sewer connection services and volumes and in the determination of water service.

2.12 WATER WASTE:

Where water is wasted from leaky faucets, pipes or fixtures, by letting water run in the house, street or gutter, to stand in puddles on lawns or gardens, or where there is an unusual water use, the use shall be considered as waste of water and a metered service will be required, and/or service discontinued. The District has adopted a Water Conservation Plan to support its efforts to reduce water waste. Nothing in this section shall be construed to apply to the accidental breaking of any hose, water pipe, or other irrigation device unless the same is not abated within a reasonable time after personal notice of such break is given by the District to the person owning, controlling or maintaining the property. If such breaks are not repaired or the water turned off within the specified time, the District will shut off the water. If personal notice cannot be given, the water will be shut off and a notice shall be placed on the front door stating the reason(s) for said shut off. The shut off and turn on of water shall be paid for in accordance with Exhibit C.

2.12.1 ENFORCEMENT.

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Any person who violates the provisions of Section 2.12 shall be penalized in accordance with the Enforcement provisions of Section 2.23.1 pertaining to water conservation.

2.13 COMMERCIAL SERVICES, REQUIRED METER USE:

All commercial services shall be metered.

2.14 NOTICES TO CUSTOMERS:

Notices from the District to a customer will normally be given in writing, and either delivered or mailed to customer's last known address. Where conditions warrant and in emergencies, the District may resort to notification either by telephone or messenger.

2.15 NOTICES FROM CUSTOMERS:

Notice from the customer to the District may be given by customer or customer's authorized representative in writing at the District's administrative office.

2.16 RIGHT OF ENTRY BY DISTRICT:

Authorized representatives of the District shall have the right of ingress and egress from a customer's premises at reasonable hours for any purpose reasonably connected with this Ordinance and all rules and regulations duly adopted hereunder or amendments hereto.

2.17 APPEALS:

Any person who is dissatisfied with any determination made under this Ordinance may at any time within thirty (30) days after such determination, appeal to the Board by giving written notice to the Manager setting forth the determination with which such person is dissatisfied and the bases for such dissatisfaction.

2.17.1 APPEAL FOR RELIEF FROM EXCESSIVE WATER CHARGES

When a metered customer, through no fault of their own, has incurred an excessively high water bill due to freezing and breaking of water lines or other unavoidable circumstances, and the detection and correction of such a break could not have reasonably been accomplished in time to avoid the excessive water usage, the customer may appeal for relief as follows: A written request for relief shall be made explaining the circumstances for the excessive water use. The Operations Superintendent will review the matter and determine if the high water use was a result of an undetectable condition and was not a direct result of negligence or inattention of the property owner. If it is determined that the usage was unavoidable, the District will bill the overage charge for the first 150,000 gallons in excess of the customer's average water usage at the current District rate. Any excessive usage above 150,000 gallons will not be billed.

2.18 DUTY OF MANAGER UPON CUSTOMER APPEAL:

The Manager shall promptly investigate and transmit to the Board of Trustees a report upon the matter appealed. The Board shall cause written notice to be given at least ten (10) days prior to the time fixed for hearing to all persons affected by such application of the time and place fixed by the Board for hearing such appeal. Following hearing, the board may approve, disapprove or revise any determination made by the Manager.

2.19 REFUNDS:

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Prior to hearing of an appeal made concerning amount of charges due, charges shall be paid in full by the person making appeal. Any charge or amounts previously paid under protest will be refunded forthwith, in the event the Board determines that the charge was incorrectly made.

2.20 DISCONTINUANCE OF SERVICE:

2.20.1 FAILURE TO MAINTAIN FACILITIES:

Failure of the customer to maintain his or her facilities in a suitable condition to prevent waste of water, may result in a discontinuance of service.

2.20.2 CROSS-CONNECTION:

The lack of provision for, or maintenance of any unprotected actual or potential cross-connection or the lack of adequate backflow protection or maintenance of backflow prevention devices may result in discontinuance of service.

2.20.3 VIOLATION OF DISTRICT RULES AND REGULATIONS:

Failure to comply with this Ordinance or any District rules and regulations for installation, inspection, or operation of water facilities may result in discontinuance of service.

2.20.4 NON-PAYMENT OF BILLS:

A customer's service may be discontinued for non-payment of a bill for service furnished if full payment of the bill is not received in the District office by the payment due date printed on the bill, provided the District has given the customer at least five (5) days prior written notice of such intention. Service will be restored upon payment of outstanding fees and charges. Shut-off and restoration of service will be billed as individual service calls.

2.20.5 FRAUDULENT USE OF WATER

When the District has discovered that a customer has obtained service by fraudulent means, or has diverted water service for unauthorized use, the service to that customer may be discontinued without notice. The District will not restore service to such customer until that customer has complied with all rules and regulations and reasonable requirements of the District and the District has been reimbursed for the full amount of the service rendered and the actual cost to the District incurred by reason of fraudulent use.

2.21 SERVICE TO MULTIPLE UNITS ON SAME OR ADJOINING PREMISES:

Separate houses, mobile homes, condominiums, apartments, buildings, living or business quarters on the same premises, (or on adjoining premises if under a single control or management), may be served at the option of the District by either of the following two methods. The customer may be served by separate service lines to each or any unit, provided that the piping system from each service is independent of the others, and is not interconnected. Alternatively, the customer may be served by a single service line to supply the entire premises under a single ownership or management, providing that the single owner or manager is responsible to pay the water billings for the entire premises.

2.22 DISTRICT APPROVAL AND FINAL ACCEPTANCE REQUIRED UPON CHANGES TO PROPERTY

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Any new construction, addition, remodeling or demolition requiring the issuance of a Douglas County building permit shall require written approval by the District and final acceptance by a District inspector.

2.23 WATER CONSERVATION REQUIRED

No water user shall waste water or make, cause or permit the use of water for any purpose contrary to any provision of this Section, or in quantities in excess of the use permitted by the conservation stage in effect pursuant to this Section. The conservation stage shall be determined by the Board of Trustees, except that in a sudden emergency such as failure of a major supply line or pumping facility, the General Manager may call for and immediately enforce Stage 4, Emergency Water Supply Storage conservation measures for a limited period not to exceed thirty (30) days.

Stage 1 – Normal Conditions. During Stage 1, when conditions are normal and there is an adequate water supply, property owners and their tenants shall not waste water and shall comply with the following:

- a. Water shall not be allowed to flow from the property onto impervious surfaces or adjacent property.
- b. Property owners shall repair all leaks in plumbing and irrigation systems in a timely manner.
- c. Hoses shall not be used for washing vehicles without the use of a shut-off nozzle attached to the hose. Continuous discharge a from hose nozzle is prohibited.
- d. Water users are encouraged to report to the District all signs of water leaks or water waste.

Stage 2 – Moderate Water Supply Shortage. During Stage 2, when the District has determined there is a moderate water supply shortage, Stage 1 restrictions apply, plus the following additional restrictions:

- a. Designated irrigation days shall be established which require a property whose street address ends with an even number to water on even-numbered calendar days and a property whose street address ends with an odd number to water on odd-numbered calendar days. No irrigation is allowed on the 31st of the month. An exemption shall exist under Stage 2 restrictions for new lawn planted within thirty (30) days of the commencement of Stage 2, or to comply with the Tahoe Regional Planning Agency's revegetation requirements on new construction or remodels. Irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at anytime if: 1) a hand-held hose is used, or 2) a hand-held, faucet filled bucket of five (5) gallons or less is used, or 3) a drip or soaker-type irrigation system is used.
- b. Water shall not be used to wash sidewalks, driveways, parking areas, tennis courts, decks, patios or other improved areas, except in conjunction with driveway repair and sealing or to alleviate immediate fire or sanitation hazards.
- c. All commercial establishments where food or beverages are provided shall serve water to their customers only when specifically requested by the customer.

Stage 3 – Severe Water Supply Shortage. During Stage 3, when the District has determined there is a severe water supply shortage, Stage 1 and Stage 2 restrictions shall apply, plus the following restrictions:

- a. There shall be no new lawn or landscape installation.

- b. There shall be no washing of vehicles or other motorized equipment except at commercial washing facilities that recycle wash water.
- d. Irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted only once per week except irrigation may be done at anytime only if: 1) a hand-held hose is used, or 2) a hand-held, faucet filled bucket of five (5) gallons or less is used, or 3) a drip or soaker-type irrigation system is used. The Board may permit an exception for commercial and public facilities.
- e. The operation of any ornamental fountain or similar decorative water structure is prohibited unless a recycling system is used and a notice to the public of such recycling system is prominently displayed.
- f. The filling of outdoor swimming pools is permitted only if they are covered during periods of non-use.

Stage 4 – Emergency Water Supply Shortage. During Stage4, when the Board has determined there is an emergency water supply shortage, or the General Manager has determined there is a temporary emergency water supply shortage due to failure of a major supply line or pumping facility, Stage 1, 2 and 3 restrictions shall apply, plus the following restrictions:

- a. The use of water for other than domestic and commercial use is prohibited except that the Board (or General Manager in the case of a temporary emergency) may grant discretionary exemptions for individual water users or specific facilities or impose reasonable conditions in lieu of compliance with this Section.
- b. The use of water for dust or dirt control, grading and construction purposes is prohibited.
- c. The flushing of fire hydrants, except for emergency purposes, is prohibited.

2.23.1 ENFORCEMENT:

The General Manager, and other authorized District representatives, have the duty and are authorized to enforce all provisions of this Section 2.23. Any person who violates the provisions of this section, or the provisions of the Water Waste Section 2.12, shall be penalized as follows.

- a. For the first offense within one year, issuance of a warning.
- b. For the second offense within one year, issuance of a warning.
- c. For the third offense, assessment of a penalty in the amount specified in Exhibit C.
- d. For the fourth offense, assessment of a penalty in the amount specified in Exhibit C, discontinuance of water service until such time that the customer installs any necessary retrofits or completes necessary repairs to avoid further water wasting.

ARTICLE III. DISTRICT RESPONSIBILITIES

3.01 SERVICE LINE:

The District is responsible for the installation and/or maintenance of water lines only to the end of its service connection. The District reserves the right to assume maintenance of any metering device at its sole discretion.

3.02 NEW CONSTRUCTION FIELD LOCATIONS FOR CUSTOMERS:

After customer's good faith effort to locate customer's water lateral for new construction, the District may, at the request of a customer, field locate water lines and facilities if District personnel and equipment are available. The customer shall reimburse District for costs, including mileage, labor and equipment. When District record drawings do not show locations for water services, the District will locate and identify services, including field location, at no expense to the customer.

3.03 POLLUTION AND CONTAMINATION PROTECTION:

The District shall have regulatory responsibility for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If in the judgment of the District an approved backflow prevention assembly is required at the customer's water service connection for the safety of the water system, the District shall give the customer notice in writing to install an approved backflow prevention assembly at specific locations at the customer's premises and at customer's expense.

3.04 NOT RESPONSIBLE FOR CUSTOMER-CAUSED DAMAGE:

The District shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the proper, improper or negligent installation, operation, use, repair or maintenance of water facilities or equipment by the customer or any other person.

ARTICLE IV. CUSTOMER RESPONSIBILITIES

4.01 **LEGAL OWNER OF PROPERTY RESPONSIBLE PARTY:**

The District holds the legal owner of a property or premises served by its water distribution system primarily responsible for compliance with District rules, regulations, ordinances and specifications, including payment of all District charges.

4.02 **MAINTENANCE AND REPAIR OF PRIVATE LINES:**

The customer, at customer's sole expense, shall furnish, install, and maintain in good repair all customer service lines from the District service connection to the premises served.

In an effort to minimize the District's service calls, the customer may request that the District waive serve call fees for turning the water on and off at the time a customer installs their own shut off valve.

4.03 **SEPARATE SERVICE LINE REQUIRED WHEN PROPERTY IS PARCELED**

When a townhouse, duplex, triplex or other multiple-unit building is parceled, a separate water service line, KGID water shut off valve and meter set-up must be installed to each unit as a condition of KGID's agreement to continue water service to the property. In cases where the provision of separate water service lines and valves is not feasible, the property owner(s) must set up and maintain a property owners association to receive and pay KGID bills for the property.

4.04 **METER INSTALLATION:**

When metering devices are required, the customer shall be responsible for the cost and installation of all meters, piping, connectors, water boxes and necessary valves and connections for the meters, as well as trenching, backfill and resurfacing. The District shall assume maintenance responsibility of a metering device following proper installation. The expense of relocating services or meters shall be the responsibility of the customer.

4.05 **DAMAGE CAUSED BY CUSTOMER ACTIONS:**

The customer shall be liable for damages to facilities owned by the District caused by an act of the customer or customer's employees, agents or contractors.

4.06 **BACKFLOW PREVENTION DEVICES:**

The customer shall be responsible for the cost and installation of approved backflow prevention devices required by this Ordinance.

4.07 **REQUIREMENTS OF SERVICE LINE REPLACEMENT:**

Upon replacement of any portion of a customer's service line, the customer shall be responsible for ensuring that the service line complies with then existing District specifications, and meets performance standards then in effect. The District requires inspection of repairs made to a customer's water service line or replacement of any portion of the customer's service line.

4.08 **DISTRICT-REQUIRED CORRECTIVE ACTION:**

If the District determines that corrective action is needed on facilities that are the customer's responsibility to maintain, the District shall serve the customer with written notice and allow a reasonable time for satisfactory correction. Failure to take corrective action within the stated time

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may result in the discontinuance of water service. If the District finds it necessary in the interest of immediate public health and safety, the District may discontinue service without written notice or perform work on said facilities. The costs and expenses incurred for discontinuance of service and work and material shall be paid by the customer.

4.09 GROUND - WIRE ATTACHMENTS:

All customers are forbidden to attach any ground wire or wires to any plumbing that is or may be connected to a service connection or main belonging to the District. The District will hold the customer liable for any damage of District's property caused by such ground -wire attachments.

The District is not responsible for any damage to electrical wiring or equipment using electricity, including but not limited to appliances, telephones, televisions, computers, fax machines or any other electrical equipment on customer's property caused by District work of any kind, including pipe thawing, if any customer ground wires are attached to any plumbing which is connected to a service connection or main belonging to the District.

4.10 RESALE OF WATER:

Except by special written agreement with the District, no customer shall resell any of the water received from the District, nor shall such water be delivered to premises other than those specified in such Customer's application for service.

4.11 CHANGE OF USE:

Customers making any material change in the size, character or extent of the equipment or operations utilizing water service, or who add one or more residential units to an existing service through a building addition and/or the partitioning of an existing structure, or whose change in operations results in an increase in the use of water, shall immediately give the District written notice of the nature of the change. The Manager will review the customer's existing permit and inform the customer in writing of any additional permit or fees due by virtue of the change of use.

4.12 WATER USE ON PREMISES ONLY:

A service connection shall not be used to supply and/or irrigate an adjoining parcel.

4.13 DISTRICT AUTHORIZATION REQUIRED:

No person, other than authorized District personnel, shall open, close, operate, tamper with, tap or connect into any District valve or any District mains, pipes, laterals, hydrants or other valves or pipes owned or controlled by the District or used by the District in connection with water works, unless authorized by the District.

4.14 OWNER'S SHUT OFF VALVE REQUIRED FOR NEW CONSTRUCTION AND FOR REMODEL/ REPAIR:

An accessible owner's water shut off valve is required for all new construction and for any building undergoing remodeling or repair work requiring a Douglas County building permit.

ARTICLE V. WATER SYSTEM IMPROVEMENTS

5.01 APPLICATION FOR WATER SYSTEM IMPROVEMENTS:

The following rules shall apply to the construction and/or modification of water system improvements:

A. APPLICATION

Any owner of one or more lots or parcels, or developer of a tract of land, desiring to install and/or modify water system improvements shall make a written application therefore to the District. For the purpose of this Article, water system improvements include all on-site and off-site water system improvements, with the exception of individual residential service connections. Said application shall contain the legal description of the property to be served and street address thereof, and any additional information which may be required by the District, and be accompanied by a map showing the location of the proposed connections. The applicant shall specify all offers of dedication to the District. The application shall be accompanied with three (3) sets of improvement plans, prepared by a Nevada licensed engineer. The proposed improvements shall be in accordance with the District's standards and specifications. The size, type and quality of materials and location of the water mains and water system appurtenances may be specified by the District.

B. REVIEW BY THE DISTRICT

The District and/or its engineers shall review the proposed plans and may require changes, if necessary, before a connection permit is issued. A plan review fee shall be required for all plans requiring the District's approval in accordance with Schedule C "Schedule of Some Other Charges" and additional plan review fees may be charged for review of changes to plans. If the District hires an outside engineer to review plans, and the cost is more than 50% of the plan check fee, applicant shall pay the cost of the engineer's review in addition to the plan check fee. The District shall provide applicant with an itemized invoice for outside engineering services and applicant shall pay any balance due in accordance with invoice terms.

C. OFFERS OF DEDICATION

If the applicant has offered to dedicate some or all the water system improvements to the District, the issue shall be considered by the Board of Trustees after the plans have been reviewed. At its discretion the Board may accept some or all of the lines offered for dedication. Acceptance shall be subject to installation of the water system improvements according to the approved plans and specifications as verified by appropriate inspections and also subject to applicants providing District with a reproducible set and two prints of accurate record drawings.

5.02 GENERAL:

All costs and expenses incident to the installation and connection of any water service or other work for which a permit has been issued shall be borne by the Applicant, by being paid in full, and shall be in addition to all fees, service and connection charges provided for in this Ordinance. The owner shall indemnify District for any loss or damage that may directly or indirectly be occasioned by the work. All work shall be authorized in writing by the District.

All improvements shall be designed and constructed in accordance with the District's standards and specifications, including the *Standard Specifications for Public Works Construction*, Bureau of Health Protection Services' standards, and where applicable, the Nevada Department of Transportation's *Standard Specifications for Road and Bridge Construction*. The applicant is responsible to acquire all approvals and permits from local and state agencies.

5.03 SERVICE LINE AND FACILITIES INSTALLED BY CUSTOMER IN SPECIAL CASES:

In special cases where extension of District's mains to a point adjacent to Customer's premises is not feasible in the opinion of the District, Customer may lay service pipe, at his or her own expense, from point of use to point where tap can be made directly to District's then existing main.

If additional facilities, including but not limited to a booster pump, should be required in Customer's service line to provide adequate pressure for Customer's service, above the pressure delivered normally by District at point of connection of Customer's service line to the District's main, the Customer shall provide, operate, maintain and replace such facilities, all at customer's own expense.

District shall at no time in the future be required to lay additional main beyond the original point of delivery to supply water to said customer or others supplied through said customer's service.

5.04 REFUND AGREEMENT:

In any case in which the applicant is required to advance the cost of a main extension, property owners who subsequently apply for permits to connect to said main extension shall pay to the District, in addition to normal connection fees, their proper pro-rata share of the original main extension cost, the amount of which shall be determined by the Manager. The amount so paid shall be paid over by the District to the original applicant.

Refund shall not be made to the applicant who installed the main extension in an amount exceeding the funds originally advanced. Upon termination of a ten (10) year period from the date of acceptance of the main extension, any balance remaining of the advance shall become the property of the District.

**ARTICLE VI. SPECIFICATION FOR WATER CONNECTION
MATERIALS AND MANNER OF CONSTRUCTION**

6.01 **APPLICATION:**

All water connection materials and methods of construction shall meet KGID specifications, which are available at the District office.

ARTICLE VII. CROSS-CONNECTION CONTROL

7.01 **GENERAL:**

The purpose of the regulations set forth is to protect the public potable water supply of the District from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants which could backflow into the public water systems; and,

To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-plant potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping systems; and,

To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

7.02 **DISTRICT RESPONSIBILITIES:**

The District shall have regulatory responsibility for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection.

If, in the judgment of the District an approved backflow prevention assembly is required at the customer's water service connection for the safety of the water system, the District or its designated agent shall give notice in writing to the customer to install such an approved backflow prevention assembly at specific locations on customer's premises.

The District shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the proper, improper, or negligent installation, operation, use, repair or maintenance of, or interfering with, any protective device by any customer or any other person.

7.03 **CUSTOMER RESPONSIBILITIES:**

It shall be the responsibility of each customer, at his sole expense, to furnish, install, and keep in good working order and safe condition any and all protective devices.

Once notified of the need to install a backflow prevention assembly, the customer shall install within a reasonable time such approved assembly at customer's own expense.

Failure, refusal or inability on the part of the customer to install, have tested and maintain said assembly shall constitute a ground for discontinuing water service to the premises until such requirements have been satisfactorily met.

Once the District has notified the customer of his responsibilities regarding cross-connection control, the District will hold the customer solely liable for any pollution or contamination of District's water system caused by customer's water system.

7.04 **REQUIREMENTS - WATER SYSTEM:**

The water system shall be considered as made up of two parts; the utility system and the customer system.

Utility system shall consist of the source facilities and the distribution system and shall include all those facilities of the water system under the complete control of the utility up to the point where the customer's system begins.

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The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to points of use.

7.05 REGULATIONS:

When there is a valid reason to believe a problem exists, the customer's system shall be open for inspection at all reasonable times to authorized representatives of the District and state or county health departments to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the District may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition in conformance with State, County and District regulations relating to plumbing and water service.

7.05.1 INSTALLATION OF BACKFLOW PREVENTION DEVICES

An approved backflow prevention assembly shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:

In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the District, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line appropriate to the degree of hazard. The Nevada Administrative Code (NAC) 445A, Section 408 requires the State Health Officer's written approval to interconnect water supplies.

In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, as such hazard may from time to time be determined, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line appropriate to the degree of hazard.

In the case of premises having (1) internal cross-connection that cannot be permanently corrected or controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.

When two or more services supply water from different street mains to the same building, structure, or premises, through which an inter-street main flow may occur, there shall be at least a standard check valve on each water service to be located adjacent to and on the property side of the respective meters. Such check valve shall not be considered adequate if backflow protection is deemed necessary to protect the mains from pollution or contamination. In such cases the installation of approved backflow assemblies at such service connections shall be required.

7.05.2 SELECTION OF BACKFLOW PREVENTION DEVICES

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The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the water user's premises. The type of protective assembly that shall be required (listed in an increasing level of protection) includes: double check valve assembly, reduced pressure principle backflow prevention assembly, and an air-gap separation. The water user may choose a higher level of protection than required by the District. The minimum types of backflow protection required to protect the approved water supply at the user's water connection are contained in NAC 445A Sections 67215 through 67265. Situations that are not covered in those sections of NAC shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the District.

In general, the type of protective assembly required under this article shall depend upon the degree of hazard that exists as follows:

In the case of any premises where there is an auxiliary water supply as stated in this article and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly.

In the case of any premises where there is water or substance that would be objectionable but not hazardous to health if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

In the case of any premises where there are "uncontrolled" cross-connections, whether actual or potential, the public water system shall be protected by any approved air-gap separation or an approved reduced pressure principle backflow prevention assembly at the service connection.

In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly on each service to the premises.

7.06 BACKFLOW PREVENTION DEVICES

7.06.1 AIR-GAP:

The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing, fixture, or other device and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel, and in no case less than one inch.

7.06.2 REDUCED PRESSURE PRINCIPLE ASSEMBLY:

An assembly of two independently acting approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly

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located test cocks and tightly closing shut-off valves at each end of the assembly. The entire assembly shall meet the design and performance specifications as determined by the USC Foundation for Cross-Connection Control and Hydraulic Research (hereinafter referred to as USCFCCHR). The assembly shall operate to maintain the pressure in the zone between the two check valves at an acceptable level less than the pressure on the public water supply side of the assembly. At cessation of a normal flow, differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved these assemblies must be readily accessible for in-line testing and maintenance and be installed in a location where no part of the assembly will be submerged.

7.06.3 DOUBLE CHECK VALVE ASSEMBLY:

An assembly of two independently operating approved check valves with tightly closing shut-off valves on each end of the check valve, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications as determined by a laboratory and field evaluation program resulting in an approval by the USCFCCHR. To be approved, these assemblies must be readily accessible for in-line testing and maintenance.

7.07 ASSEMBLY REQUIREMENTS:

Any backflow prevention assembly required herein shall be a model and size approved by the District. The term "approved backflow prevention assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association entitled: AWWA C510-92 Standards for Double Check Valve Backflow Prevention Devices" and "AWWA C511-92 Standards for Reduced Pressure Principle Backflow Prevention Devices"; and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California.

The following testing laboratory has been qualified by the District to test and certify backflow preventers: Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, University Park, Los Angeles, California 90089-0231.

7.08 TESTING REQUIREMENTS:

It shall be the duty of the customer at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at his sole expense at least once per year. In those instances where the District deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be performed by a tester certified by the American Water Works Association, California-Nevada Section. It shall be the duty of the District to see that these tests are made in a timely manner. If required, the customer shall notify the District in advance when the tests are to be undertaken so that a District representative may witness the tests. These assemblies shall be repaired, overhauled or replaced at the expense of the customer whenever said assemblies are found to be defective. Records of such tests, repairs and overhaul shall be kept and a copy submitted to the District by the test due date as proof of compliance with the testing requirements. The District may levy the charge stated in Exhibit C for each such test for good cause witnessed by District personnel or agents and may charge the test administration fees stated in Exhibit C when proof of required testing is not received on time.

7.09 EXISTING ASSEMBLIES:

All presently installed backflow prevention assemblies that do not meet the requirements of this section may, at the discretion of the District, be required to be removed and replaced with an approved device. Whenever the existing device is moved from the present location or requires more

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than minimum maintenance or when the District finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.

ARTICLE VIII. METER REGULATIONS

8.01 **METER SERVICES:**

A meter with all piping, connectors, water box and necessary valves and connections shall be necessary for all customers. For new customers, the trenching, backfill and resurfacing shall be provided and installed by the customer in accordance with District standards and specifications.

8.02 **METER INSTALLATIONS:**

Meters will be installed at the property line and shall be owned by the District and reinstalled and removed at its expense. If the District requires a remote meter read device, it shall be installed at a location approved by the District. No rent or other charge will be paid by the District for a meter or other facilities, including connections. All meters may be sealed by the District at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents. The meter shall be of the type and brand approved by the District. If the District finds a positive indication of meter tampering or if the meter seal is broken, there will be a fine as stated in Exhibit C plus a charge for the estimated amount of unmetered water used based on previous meter records.

Alternate meter locations must be approved by the District.

8.03 **CHANGE IN LOCATION OF METERS:**

Meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the District's property will be moved at its expense.

8.04 **GENERAL RULES:**

The District may require a separate metering device for each home, residential unit or building under separate ownership. The District may also require a separate service connection to the main distribution line.

In cases of buildings with multiple units under separate ownership, when a water meter is required, each individual unit shall install a water meter and/or shut-off valve, at the District's discretion. In the event that the District determines that the installation of individual meters and/or shut-off valves is not feasible, the property owners shall make arrangements for meter installation and the payment of water bills through a property owners association.

Two or more houses, ~~or~~ buildings or residential units under one ownership and on the same parcel of land may be supplied through the same metering device. The District reserves the right to limit the number of houses, buildings, residential units or areas of land under one ownership to be supplied by one metering device or service connection. The District reserves the right to require that one or more water meter(s) are installed, at the owners expense, to meter ancillary and/or common water uses for the parcel.

A service connection shall not be used to supply and/or irrigate an adjoining parcel. When a parcel provided with a service connection is divided, each parcel shall be provided with its own service line and individual shut off valve for District operation.

8.05 **METER TESTS - DEPOSITS:**

All Meters will be tested or certified as to accuracy prior to installation and no meter will be installed registering more than 2% fast or slow. A customer who believes his or her meter is inaccurate may request that the meter be tested by submitting a written request, together with a deposit

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equal to the estimated cost of the meter test. During the period the meter is being tested, water use will be estimated from prior years flow records if a temporary meter is not installed. Should the meter register high, then the District shall refund the deposit and adjust the overage to as long as six months of over registering. If the meter registers slow, the meter shall be replaced or repaired.

The customer shall owe the full meter test cost if the meter records within 2% of the true meter reading.

8.06 NON-REGISTERING METERS:

If a meter is found to be not registering, the charges for service shall be at the minimum monthly rate or based on the estimated consumption, whichever is greater. Such estimates shall be made from previous consumption for a comparable period or by such other method as is determined by the District and its decision shall be final.

8.07 DISTRICT ACCESS TO METERS:

Customer must provide District ready access to customer's meter(s) at all times. If access is blocked by locked doors to which keys are not readily available, or if meter vaults are blocked by vehicles, snow storage or other means, the District may require that the meter be relocated to a more accessible site by the customer, at customer's expense.

Susan Jorgensen
Comment: It is not the customers fault that the metering was reading low, this could be considered a maintenance issue on the part of KGID. If the customer requests the meter read, and then the meter is fixed - they've done the District a favor.

ARTICLE IX. WATER SERVICE BILLING PROCEDURES

AND SPECIAL CHARGES

9.01 METER READING:

Meters shall be read immediately following the closing date of each period in such manner that they will be read as nearly as possible on the same day of each billing period.

9.02 BILLING TIME:

Bills for water service are payable in the District office by the due date specified thereon, unless special terms have been arranged with the District.

9.03 BILLING PERIOD:

Billing period shall be the period for which a billing is made, not necessarily coincident with the calendar month (i.e., may be billed on a cycle of between 28 and 31 days.)

9.04 PENALTIES:

All charges shall become delinquent after the due date specified in the bill if payment has not been received by the District. All delinquent charges shall be subject to a basic penalty of ten percent (10%) of charges for the first month delinquent. In addition, a penalty of one and one-half percent (1-1/2%) per month for non-payment of the charges and basic penalty shall thereafter be imposed. Customers with a good payment record as defined by the District may have a late penalty waived. No penalty greater than \$100 shall be charged a customer per property per billing cycle. The District credits all payments against the oldest outstanding balance, to include charges and penalties, first.

9.05 BILLING OF SEPARATE METERS NOT COMBINED:

Separate bills will be rendered for each meter installation except where the District has, for its own convenience, installed two or more meters in place of one meter. Where such installations are made, the meter reading will be combined for billing purposes.

9.06 INITIATION OF MONTHLY CHARGES TO NEW SERVICES:

Monthly charges begin six months after a connection permit is issued and continue as long as a premise is connected to the system.

9.07 MONTHLY CHARGES IRRESPECTIVE OF USE:

Monthly charges will be due and payable as long as the property is connected to the water system. Disconnection of service can only be made by Board approval. Reconnection of service will be made only upon payment of a new connection charge and of any past due charges.

9.08 UNAUTHORIZED USE OF DISTRICT FACILITIES OR WATER:

A person connecting to District's system or taking ownership of existing premises and using water from a service connection without having made application to the District for water service shall be held liable for the water delivered from the date of connection or commencement of ownership. If proper application for water service is not made upon notification to do so by the District, and if accumulated bills for service are not paid immediately, the service may be discontinued by the District without further notice.

Effective 10/1/08

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9.09 REQUEST TO REACTIVATE SERVICE:

When the District is requested to turn on the service to a property, the Owner or his agent must be present at the time the service is reactivated to check for leaking pipes or open faucets within the premises.

9.10 COMPUTATION OF BILLS:

If the District is unable to read a customer's meter on a scheduled meter reading date because of acts of God, storm, fire, strike, accident, breakdown, action by a Government body or any other cause (beyond the District's control), then the District may bill the customer for the estimated consumption during the billing period, subject to adjustment at the time of the next meter reading.

9.11 DISCOUNTS:

Water and sewer bills paid one year in advance are subject to the credit shown in Exhibit C based on prior year's water use; however, the last bill of the year for which annual payment is made shall include billing for all amounts used during that year over the amount actually paid, including the difference between the amount paid and any rate increase approved during the prepaid period and shall be payable under the same terms as the regular bill.

9.12 OTHER SERVICE CHARGES:

The regulations set forth in this Article shall also be applicable to water-related charges or their obligations or amounts due or payable to the District, including without limitation, repair charges or other service charges, unless the District by special agreement determines otherwise.

9.13 RESIDENTIAL LAWN IRRIGATION AND SERVICES TO COMMON AREAS:

Irrigation of lawn or garden areas adjacent to a residential unit and served from the same house service is considered part of the metered rate residential service charge.

Where the area to be irrigated requires a separate service line, or the area to be irrigated is not part of a single family residential lot, or the service is not on the same premises occupied by the single family residence, then the irrigation system shall be serviced by a separate line with a water meter and monthly charges shall be made seasonally as provided in Article 9.15 in addition to the charge for the metered rate residential service charge.

Water services for irrigation of common areas of condominiums or multiple residential areas shall pay the same metered rate as the building(s) being served.

9.14 SEASONAL IRRIGATION SERVICES:

Metered services providing only irrigation to landscaping, agriculture, floriculture or horticulture will be considered seasonal in nature. Meters will be read and bills sent only during the months of April through October. No minimum charge will apply during the months of November through March. Any water used outside the billing season will be included in the April bill.

9.15 NON-PAYMENT OF BILLS:

A customer's service may be discontinued for non-payment of a bill for service furnished if payment has not been received by the District by the due date specified thereon and a portion of the bill is at least 30 days delinquent, provided the District has given the customer at least five (5) days prior written notice of such intention. Service will be restored upon payment of outstanding fees and charges. Shut-off and restoration of service will be billed as individual service calls.

When a customer's personal check to the District is returned unpaid, the District reserves the right to decline to accept additional personal checks from the customer for a period of six months. Customers will be charged the Insufficient Funds Check Charge in Exhibit C each time an insufficient funds check is received by the District.

9.16 RESPONSIBILITY FOR PAYMENT OF BILLS:

Failure to receive a bill does not relieve the customer of liability. Any amount due shall be deemed a debt to the District, and any person, firm or corporation failing, neglecting or refusing to pay said indebtedness shall be liable for an action in the name of the District in any Court of competent jurisdiction for the amount thereof.

9.17 SERVICE CHARGES:

A service call charge in accordance with amounts stated in Exhibit C will be made for each response to the property by District personnel. The charge will be made and collected prior to renewing service following discontinuance for violation of these rules or for non-payment of bills.

9.18 ABATEMENT:

During the period of discontinuance of water service, habitation of such premises by human beings shall constitute a public nuisance, whereupon the General Manager may cause proceedings to be brought for the abatement of the occupancy of said premises by human beings. In such event, the customer shall be liable for a reasonable attorney's fee, together with litigation costs.

9.19 COMBINED BILLINGS BY DISTRICT:

Where the person charged is a user of more than one service billed regularly by the District, the charges may be billed upon the same bill and collected as one item.

9.20 GOVERNMENT CONDEMNED PROPERTY:

Units condemned or posted as uninhabitable by the County or any other responsible government authority may have monthly service charges temporarily waived or reduced in accordance with separate policy adopted by the District, as it may be changed from time to time, upon owner submittal of evidence certifying same to the District. Should the District believe the property is occupied despite being condemned or posted as uninhabitable, monthly service charges will continue to accrue. This waiver of fees does not apply to temporarily out-of-service properties for other than government condemnation.

ARTICLE X. SERVICE RATE CLASSIFICATIONS

10.01 CLASSIFICATION SCHEDULE:

10.01.1 FLAT RATE SERVICE:

Flat rate service as shown in Exhibit "A" shall apply to individual residential units having a service line diameter of 1" or less without a water meter and to residential units in multiple-unit buildings without water meters. The District, at its option, may choose to charge a flat rate for residential units with ¾" or 1" water meters and the decision will apply uniformly to all properties in that class.

10.01.2 METERED RESIDENTIAL SERVICE:

Metered Residential Service – Class 1. This service classification shall include single family residences with individual service lines and multiple residential units with dedicated service lines for each unit. The monthly minimum charge for this service classification shall be per meter and shall be based on meter size in accordance with the schedule in Exhibit A. All water usage shall be charged in accordance with the commodity charges in accordance with the schedule in Exhibit A.

Metered Residential Service – Class 2. This service classification shall include master-metered residential units in single family dwellings, condominiums, townhouses, mobile home parks, time shares and vacation clubs and all other residential units not included in Class 1. The monthly minimum charge for this service classification shall be per meter and shall be based on meter size in accordance with the schedule in Exhibit A. All water usage shall be charged in accordance with the commodity charges in accordance with the schedule in Exhibit A. The commodity charges for this service classification are based on the number of units being served by each meter.

10.01.3 COMMERCIAL, INDUSTRIAL AND UNCLASSIFIED SERVICE:

Water service for Apartment buildings, Commercial, Industrial and unclassified services shall be based on the metered rate as shown in Exhibit A, and shall include a monthly minimum charge per meter based on meter size.

10.01.4 TEMPORARY (FIRE HYDRANT) SERVICE:

Water for construction or similar purposes may, for good cause, be obtained from fire hydrants by special written approval of the District. The applicant will be required to provide an acceptable backflow prevention device, which shall be inspected by District personnel before water use begins. Fees will be charged as shown in Exhibit "A."

A deposit shall be required prior to issuing a permit for temporary fire hydrant water or other temporary water uses. The deposit shall cover costs for damages to the meter or appurtenant water system structures, permitting fees (including meter installation), and the use of water. The deposit, less charges, shall be refunded upon the expiration of the temporary water service permit.

The applicant for the temporary water service permit is responsible for protecting the water meter and water system appurtenances and the use of water at all times over the duration of temporary permit. Any costs for repairing or replacing the water meter and/or any appurtenant facilities shall be paid by the applicant.

The applicant shall abide by the terms of the temporary water service permit. The applicant may only obtain water from the hydrant(s) or sources as indicated by the permit or otherwise

designated by the District. Any service calls necessitated to enforce conformance with the permit conditions shall be charged to the applicant. A temporary water service permit may be terminated at any time or the deposit may be increased, if the applicant does not comply with the terms and conditions of the permit.

10.01.5 IRRIGATION WATER:

Water service for irrigation shall be based on the metered irrigation rate as shown in Exhibit A. The minimum charge per meter shall be as identified in the Seasonal Irrigation Minimum in Exhibit A. Irrigation water is defined in Section 9.15, Seasonal Irrigation Services.

ARTICLE XI. CONNECTION CHARGE CLASSIFICATIONS

11.01 **CONNECTION CHARGE REQUIRED:**

Persons desiring to connect to the water system of District shall pay to the District a water connection fee at the time of issuance of the permit for a water connection. A water connection permit shall also be required for an increase in service line size, or for the addition of one or more residential units to an existing service through a building addition and/or the partitioning of an existing structure, whether or not the addition is legally recognized by Douglas County. A connection permit shall also be required, with or without fees, for any substantial changes to a property if a Douglas County permit is required. The following classifications shall apply:

11.01.1 **RESIDENTIAL**

Residential Service - Class 1. This service classification shall include single family residences with individual service lines and multiple residential units with dedicated service lines for each unit. Connection charges as shown in Exhibit B shall apply.

Residential Service - Class 2. This service classification shall include master-metered residential units in single family dwellings, condominiums, townhouses, mobile home parks, time shares and vacation clubs and all other residential units not included in Class 1.. Connection charges as shown in Exhibit B shall apply.

11.01.2 **METERED OTHER THAN RESIDENTIAL, TIMESHARE OR VACATION CLUB:**

This classification shall include all apartment buildings, commercial, industrial and unclassified services. The connection charges as shown in Exhibit B shall apply.

11.01.3 **FIRE PROTECTION:**

A minimum connection charge per fire hydrant, standpipe or sprinkler system, or other fire service unit as shown in Exhibit "B" shall apply.

The connection charge for fire protection shall be computed independently and in addition to the connection charge for residential, commercial or industrial water service for the proposed unit(s), unless a connection fee is paid for a single line serving both domestic and fire protection.

ARTICLE XII. PUBLIC FIRE PROTECTION

12.01 **USE OF FIRE HYDRANTS:**

Fire hydrants are for use by the District or by organized fire protection agencies. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the District prior to use and shall operate the hydrant in accordance with instructions issued by the District. Unauthorized use of hydrants will be prosecuted according to law.

12.02 **MOVING OF FIRE HYDRANTS:**

When a fire hydrant has been installed in the location specified by the proper authority, the District has fulfilled its obligation. If a property owner or other party desires a change in the size, type or location of the hydrant, customer shall bear all costs of such changes. Any change in the location of a fire hydrant must be approved in writing by the District.

ARTICLE XIII. PRIVATE FIRE PROTECTION SERVICE

13.01 **PAYMENT OF COST:**

The Applicant for private fire protection service shall pay the total actual cost of installation of the service from the distribution main to premises to meet the requirements of the District. The cost of extending lines for fire hydrants or other service shall be entirely at Applicant's expense. Requirements of the District include, but are not limited to, valve, valve box, backflow prevention device, and construction materials acceptable to the District.

13.02 **NO CONNECTION TO OTHER SYSTEM:**

There shall be no unprotected cross-connection between the fire protection system and any other water distribution system on the premises. The District may require that a private fire protection system is supplied by a separate service connection to prevent cross-connections to the potable water system.

13.03 **USE:**

There shall be no water used through the fire protection service except to extinguish fires and for testing the fire fighting equipment.

ARTICLE XIV. SERVICE AREA DESIGNATION

14.01 **SERVICE AREA DESIGNATION:**

The service area consists of all of the lands described as follows: W 1/2 Section 7; W 1/2, W 1/2 E 1/2, E 1/2 SE 1/4 Section 18; Section 19; Section 30; W 1/2 W 1/2 Section 20; W 1/2 Section 29, T. 13 N., R. 19 E., M.D.B. & M. Section 21; 23; 24; & 25; S 1/2 S 1/2 Section 13; S 1/2 S 1/2 Section 14; N 1/2, Portion N 1/2 S 1/2, Portion S 1/2 SE 1/4 Section 22; Portion NW 1/4 NW 1/4, NE 1/4 NW 1/4, NE 1/4, E 1/2 SE 1/4 Section 26; Portion NE 1/4 NE 1/4 Section 27, T. 13 N., R. 18 E., M.D.B. & M.

ARTICLE XV. EFFECTIVE DATE

15.01 EFFECTIVE DATE:

This ordinance shall take effect October 1, 2008 but without prejudice to written commitments made by the District to applicants within six (6) months prior to the enactment of this ordinance.

Jim Beattie, Vice Chair

ATTEST:

Carolyn Treanor, Secretary

Effective 10/1/08

Kingsbury General Improvement District
Water Ordinance

CERTIFICATION

**ORDINANCE NO. 1
An ORDINANCE ESTABLISHING RATES, RULES AND
REGULATIONS FOR WATER SERVICE
BY THE
KINGSBURY GENERAL IMPROVEMENT DISTRICT**

I hereby certify that the attached is a full, true and correct copy of an Ordinance passed and adopted at a regular meeting of the Board of Trustees of the KINGSBURY GENERAL IMPROVEMENT DISTRICT duly held on August 19, 2008, by the following vote:

AYES: Hayes, Treanor, Beattie, Schussel

NOES:

ABSTAINED:

ABSENT: Cook

Jim Beattie, Vice Chair

ATTEST:

Carolyn Treanor, Secretary

Effective 10/1/08

Kingsbury General Improvement District
Water Ordinance

**OCTOBER 1, 2008 EXHIBIT A
TO
KINGSBURY GENERAL IMPROVEMENT DISTRICT
ORDINANCE NO. I**

**SCHEDULE OF WATER SERVICE RATES AND CHARGES
EFFECTIVE October 1, 2008**

1. Metered Service, Base Rate (metered residential and commercial)		See schedule per meter size
2. New Accounts New Account Fee	\$	75.00
3. Temporary (fire hydrant) Water per 1,000 gallons (Twice the third tier metered rate)	\$	10.00
4. Temporary Water Service Permit Fee	\$	85.00
5. Temporary Water Service Deposit for water use Unused balance will be returned.	\$	250.00
6. Damaged or non-returned hydrant meter.		Actual cost to repair or replace.
7. Rate Schedule		
a. Base rates for all residential non-metered customers	\$	63.00
Base rates for all residential metered customers:		
Up to and including 3/4" meter	\$	47.00
Up to and including 1" meter	\$	78.50
Up to and including 1 1/2" meter	\$	153.50
Up to and including 2" meter	\$	250.50
Up to and including 3" meter	\$	501.50
Up to and including 4" meter	\$	783.50
Up to and including 6" meter	\$	1,566.50
Up to and including 8" meter	\$	2,506.50
b. Commodity Rates		
1. Commercial Base rate	\$	63.00
plus (per 1,000 gallons) over first 11,500 gallons		\$5.48
2. Residential Class 1 (per 1,000 gallons)		
0-5,000 gallons		\$1.50
5,001-20,000 gallons		\$3.00
>20,001 gallons		\$5.00
3. Residential Class 2 (per 1,000 gallons)*		
0-3,500 gallons		\$1.50
3,501-14,000 gallons		\$3.00
>14,000 gallons		\$5.00
*Total usage available in each tier is based on the number of units served by the meter. Example: A single meter serving 10 units is allotted 35,000 gallons in the first tier, 105,000 in the second tier, and any usage above 140,000 gallons in a single month is considered to be in the third tier.		
8. Seasonal Irrigation Minimum		meter size minimum each month April through October, commodity rate charged depending on class.

Effective 10/1/08

Kingsbury General Improvement District
Water Ordinance

**EXHIBIT B
TO
KINGSBURY GENERAL IMPROVEMENT DISTRICT
ORDINANCE NO. I
SCHEDULE OF WATER CONNECTION CHARGES
EFFECTIVE OCTOBER 1, 2008**

1. Residential.

Residential Service - Class 1. This service classification shall include single-family residences with individual service lines and multiple residential units with dedicated service lines for each unit. The water connection charge shall be based on the meter size, using the Connection Schedule below less any size required for fire protection. A separate connection charge shall be paid for each metered service line to the property.

Residential Service - Class 2. This service classification shall include master-metered residential units in single family dwellings, condominiums, townhouses, mobile home parks, time shares and vacation clubs and all other residential units not included in Class 1. The water connection charge per meter shall be based on the meter size serving the property, using the Connection Schedule below less any size required for fire protection.

2. All other classifications except for Residential and Fire Protection.

Connection charges shall be in accordance with the schedule below based on service line size or meter size, whichever applies.

Connection Schedule

<u>Meter Size</u>	<u>Connection Charge</u>
3/4" or less (minimum charge per residential unit)	\$ 7,700
1"	\$ 12,800
1 1/2"	\$ 25,600
2"	\$ 40,900
3"	\$ 81,800
4"	\$ 127,800
6"	\$ 255,600
8"	\$ 409,000

3. Fire Protection

Private fire protection hydrant, standpipe or sprinkler system

<u>Line Size</u>	<u>Connection Charge</u>
Under 2"	\$ 250.00
2" up to 4"	\$ 500.00
4" and over	\$ 1,000.00

This charge will be due unless a connection fee is paid for a single service line which provides both domestic and fire protection service.

EXHIBIT C

Effective 10/1/08

Kingsbury General Improvement District
Water Ordinance

**TO
KINGSBURY GENERAL IMPROVEMENT DISTRICT
ORDINANCE NO. 1**

**SCHEDULE OF SOME OTHER CHARGES
EFFECTIVE OCTOBER 1, 2008**

ITEM	AMOUNT
	1. PREPAYMENT OF ONE FULL YEAR'S WATER BILL CURRENT MONTHLY BASE RATE TIMES 12 MINUS 5% DISCOUNT OF TOTAL
2. SERVICE CALLS	
A. Each visit to the property, including water turn on or off, during normal business hours	\$ 50
B. Each visit to the property, including water turn on or off, outside normal business hours	\$100
C. Dig-out of water valve or water meter to operate valve or read meter when covered by dirt or snow.	\$65.00 per hour
D. Backflow prevention device test witness by District personnel	\$ 50
E. Administration cost to follow-up unsubmitted backflow prevention device test reports more than 30 days delinquent.	\$ 50
3. INSUFFICIENT FUNDS CHECK CHARGE	\$ 20
4. METER TAMPERING FINE	\$200
5. FINE FOR USE OF WATER FROM A FIRE HYDRANT WITHOUT A PERMIT	
First Offense	\$100
Second and additional Offenses (each)	\$500
6. PLAN REVIEW FEES	
Major Project (over ten hours of staff time)	\$750*
Moderate Project (up to ten hours of staff time)	\$500*
Minor Project (up to 5 hours of staff time)	\$250*
*Plus any engineering costs incurred by KGID	
Additional plan reviews will be charged for if plans change after the first review.	
Review of water and sewer improvements together will require only a single fee per review.	
7. NEW ACCOUNT FEE	\$75.00

Effective 10/1/08

Kingsbury General Improvement District
Water Ordinance

8. WATER WASTE PENALTY
First and Second Offenses

Written Warning

Third Offense

All water used above 5,000 will be charged at the third tier rate for the month of the offense.

Fourth Offense

All water used will be charged at the third tier rate for the month of the offense

Effective 10/1/08

Kingsbury General Improvement District
Water Ordinance