
	KENNEWICK IRRIGATION DISTRICT POLICY 2.31 Potable Water Division						
	APPROVED:  President, Board of Directors Date: Dec. 7, 2010		Effective Date: December 7, 2010				Revision: 0
Annual Review performed by:		Initial	Initial	Initial	Initial	Initial	Initial
Review date:							

POLICY:

1. **Water-sewer system established.** There is established a water division and a water system of the District pursuant to RCW 87.03.015 for the purpose of jointly acquiring, constructing, maintaining and operating such system.
2. **Rules and regulations.** The District Manager, subject to the approval of the Board of Directors, may make such rules and regulations for the proper operation of the District’s water system not covered by this policy.
3. **Definitions.**
 - 3.1. “Building service” is that part of the lower piping of a water distribution system which receives the piping inside the walls of a structure or building to a point to the water meter at the property line.
 - 3.2. “District” means the Kennewick Irrigation District.
 - 3.3. “District water system” is the public system owned or controlled and maintained by the Kennewick Irrigation District. The term includes any publicly owned water facility or structure controlled or maintained by the District. It does not include individual services on private property, or private water systems.
 - 3.4. “Connection fee” means the fair pro rata charge of the capital cost to construct and make available the water service, excluding the tap fee.
 - 3.5. “Day(s)” means working day(s) unless otherwise stated.
 - 3.6. “Operations Department” refers to a department of the District.
 - 3.7. “E&O Manager” means the Engineering & Operations Manager.
 - 3.8. “Lien” means the lien for utilities authorized by state law. For irrigation water utility charges, the lien statutes are contained in RCW 87.03.445 and 87.03.265. .
 - 3.9. “Person” is an all-inclusive reference to any individual or group, firm association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity.
 - 3.10. “Private water” is a water system not owned or maintained by the District.
 - 3.11. “Tap” means the physical connection to the District water system.
 - 3.12. “Tap fee” means the fee assessed by the District for the physical connection to the District water system, plus the cost of materials and labor related to the installation.
 - 3.13. “Standards Handbook” refers to the “American Water Works Standards Manual” which details proper controls for design, inspection and construction of water systems endorsed by this policy. The standards may contain specifications relative to materials, design, construction, procedure, policy, inspection, backfilling and responsibilities in water installations.
 - 3.14. “User” means any person who uses the District water system.
 - 3.15. “Utility” refers to any of the District’s utilities which include the potable water utility (rates and regulations of which are codified in this policy).

- 3.16. "Water connection permit" is a permit that is issued by the E&O Manager prior to any tap and use of the District's water system.
- 3.17. "Water service" means the furnishing of the main, tap, saddle, corporation shutoff cock, the meter, pipe to the property line, meter box, meter yoke, ditching and backfill, and installation of the water service to the applicant's property line; or furnishing the tee with adaptors, hydrants, gate valves with boxes, connection spool, ditching and protection to applicant's property line; or water for fire protection.

4. Application for service – Requirements generally.

- 4.1. All applications for service installations and for water service shall be made at the Office of the District Treasurer on printed forms furnished by the District and shall contain the name of the owner of the property, the name of the occupant, post office address, a description of the property, lot, block and addition, name of the street upon which the property fronts, the official street number assigned to the premises as shown by the record in the Office of the District Treasurer, and a current copy of the paperwork establishing an account with another local utility such as electrical or cable. The application must state fully all the purposes for which water may be required, and include the signature of the applicant agreeing to conform to the rules and regulations established by the District for the use of water.
- 4.2. All applications for service installations shall be made by the owner of the property to be served, or by the owner's duly authorized agent, and shall state the size of the service connection required. At the time of making application the applicant shall pay to the District the amount of the fee required for the installation of the service connection.
- 4.3. Where service connections are installed, application for water service may be made either by the owner, or the owner's duly authorized agent, or by the tenant or occupant of the premises; provided, that where the service is required by other than the owner, the District Treasurer may require permission of or notice to the property owner for connection or change.

5. Application for service – Fee – Responsibility.

- 5.1. All water service charges shall be enforceable through a lien against the property served even though water services may be contracted through an agent or tenant. The property owner shall remain liable for all water service charges; provided, that the property owner's liability will be limited by the terms and conditions under which a lien may be filed against the real property pursuant to RCW's found in 87.03 Irrigation Districts.
- 5.2. The District may provide a real property owner or the owner's designee with duplicates of tenant utility water bills, or may notify an owner or the owner's designee that a tenant's utility account is delinquent. However, if an owner or the owner's designee notifies the District in writing that a property served by the District water is a rental property and has requested, in writing, to be notified of a tenant's delinquency, including providing a mailing address, the District shall notify the owner or the owner's designee of a tenant's delinquency at the same time and in the same manner the District notifies the tenant of the delinquency. When the District provides a real property owner or owner's designee with duplicates of a tenant's utility bill or notice of delinquency, the District shall notify the tenant that it is providing the duplicate bills or delinquency notice to the owner or owner's designee.
- 5.3. All applicants and their successors upon receipt of utility services shall be deemed to have agreed to comply with all the rules and regulations of the water utility and the provisions of this policy, to pay the cost of making the connection and supplying and installing the meter, and to pay for all water used on the premises, at the rate and upon the terms established by the District.

6. Liability for account transfer to another account.

- 6.1. In addition to the person or address billed for water services as shown in the District's records, the District may require the owner or other responsible party under the authority of this policy, to

be responsible for payment for any water services, jointly or severally. With respect to premises served or involved in an enforcement action, such persons include the respective premises' owner and occupant but not a subsequent tenant who establishes utility service with the District in accord with this policy.

- 6.2. To obtain payment from any person determined responsible by the District Treasurer, the District reserves the right to transfer a payment obligation from one customer or account to another, or hold charges for payment on one or more accounts, jointly and severally, until full payment is received.
 - 6.3. Where a party originally responsible for an unpaid utility bill at one address moves to a new address served by the District, the water service bill may be transferred to the new address and enforced as a charge to that account, provided the consent of the responsible party and the property owner is received. This option does not waive the District's right to require payment as a condition of restoring or continuing services to the original address, but any amounts thereafter collected from the originally responsible party shall be restored to any other party paying such delinquency balance at the original address, less an administration fee determined by District fee resolution.
7. **Excavation restrictions – Tapping mains – Inspection of work.**
 - 7.1. No digging or excavating for the purpose of laying water mains, lead pipes, or repair thereof shall be made in any street or alley without the written consent of the E&O Manager.
 - 7.2. Only the E&O Manager or his/her authorized agent shall tap any water main unless contractor is certified to do so through the Department of Health. The E&O Manager or his/her authorized agent shall inspect all taps.
 - 7.3. No ditch for any service shall be filled until after the E&O Manager has inspected and approves the installation.
 8. **Meter – Required.** For each water system tap there shall be installed by the Operations Department a water meter of a type approved by the District for each dwelling, building or other structure, except apartment houses or single-service multiple-purpose structures. There shall also be installed at each metered premises a shutoff cock and waste inside the premises so that the owner or occupant may at any and all times turn off the water on the property. Each new structure, or separately leased unit of a structure, shall be required to be separately metered.
 9. **Meter – Installation.** Every service must be metered and water will be supplied to such property through the meter only. Actual installation of all meters shall be done by or under the supervision of the E&O Manager or his/her authorized agent. All meters remain under the control of the District.
 10. **Meter – Reading.** All water meters shall be read by the Operations Department, including premises shut-off, by the twentieth day every other month. Reading shall be noted in a special book (or electronic database) provided therefore, and all readings shall be furnished to the District Treasurer not later than the twenty-first day of each month.
 11. **Meter – Testing.**
 - 11.1. Where the accuracy of record of a water meter is questioned, it may be removed at the customer's request and tested by the Operations Department through reasonable means, with a report made available to the E&O Manager. The District retains the sole discretion to determine testing apparatus.
 - 11.2. If the test discloses an error showing a more than four percent variance on the meter's registry, the Operations Department will bear the entire expense of the test. If the test shows that the meter is within the four percent variance, the customer shall bear the cost of removing, testing and re-installing the meter.

11.3. The E&O Manager may require a reasonable deposit, sufficient to secure the costs of removal and testing. The deposit may be refunded as provided above.

11.4. The fee for the meter test shall be set by resolution.

12. **Maintenance responsibility.** The District shall be responsible for the care, upkeep and maintenance of water mains, main taps, corporation shut-off cocks, leads from mains to the meters, and the water meters, including thawing of pipes and meters. The water users or property owners are responsible for the care, maintenance and upkeep of all other pipes on the premises. The Operations Department shall have control over all curb shut-off cocks.

13. **Rates and charges – Fixed rates schedule.**

13.1. All water users shall be charged at a minimum monthly rate, together with surcharges for all water metered. All use of water and water services shall be furnished and measured by a meter and shall be charged at rates set by the latest adopted potable water fees resolution of the District.

13.2. Single-family residences also include mobile and manufactured homes located inside or outside of an established park or on a single tax parcel, or each dwelling unit of a duplex, triplex.

14. **Rates and charges – Due date – Delinquency – Action to be taken – Lien – Penalty.**

14.1. All charges for water service shall be due and payable at the Office of the District Treasurer upon receipt of the invoice. The invoices are prepared at the end of each bi-monthly period for the two month period just ending. On the 25th day of the month following the bimonthly period billed, all potable charges due shall become delinquent. All delinquent water service accounts are subject to delinquency charges. The delinquency of any customer shall be indicated on the customer's water account, statement, ledger sheet, or card.

14.2. All accounts which become delinquent will be charged a delinquency fee as enumerated in the latest KID Fee Resolution. This fee shall apply in any month where any potable water charge is delinquent. Upon request by the customer, the Treasurer can waive one late fee for any account which has not had a previous late monthly payment for the 18- month period prior to the current invoice.

14.3. If water is turned off for failure to pay, fees as authorized in the latest KID Fee Resolution will be charged for shut-off and turn-on of service.

14.4. When an account has unpaid charges more than 60 days after services were delivered, the water should be turned off in accordance with the following termination procedures:

14.4.1. Except in cases of consent by the customer, vacant premises, need for repairs or emergency, the E&O Manager, or his/her designated representative, shall cause notice to be given to the customer that water service will be terminated for nonpayment.

14.4.2. The notice may be delivered personally, given orally, mailed, or left or posted at the service address as shown on the files. Whenever the E&O Manager has reason to believe that termination of water service to a given service address will affect more than one dwelling unit, the E&O Manager shall cause reasonable effort to be made to give notice to all affected dwelling units.

14.4.3. The E&O Manager shall cause the notice to be given at least five calendar days prior to the date of intended termination.

14.4.4. The notice of termination shall be in substantially the following form:

NOTICE:

Your District water service will be terminated on _____,
unless all amounts not disputed are paid.

If you dispute any amounts due, you shall request a utility dispute form, completely fill out and return to the District Treasurer:

KID District Treasurer
12 W. Kennewick Ave
Kennewick, WA 99336 (509)586-9111

- 14.5. If payment is not made on undisputed amounts or a dispute hearing is requested for disputed amounts, the E&O Manager may shut off the water service on or after the date set forth in the notice.
 - 14.6. The District Manager shall establish rates, interest, and penalties for delinquency and water shut off and turn on subject to the approval of Board of Directors.
 - 14.7. It shall be unlawful for an occupant or owner of the premises where water service has been shut off to turn on the water at the service fixture. Violators of this subsection shall be fined a sum not to exceed \$1,000 in addition to all water fees owed, enforceable in the Benton Superior Court or such other court adopted by the Board of Directors.
 - 14.8. In case the water meter cannot be read for any cause, the user shall pay the rate for the previous month, or such higher sum established in the District's rate structure.
- 15. Bankruptcies.** As authorized by 11 USC Section 366, unless otherwise directed by the District Manager, a minimum deposit for adequate assurance of payment shall be two months' estimated utility charges for Chapter 7 and 11 filings and one month's estimated utility charges for Chapter 13 filings. This amount is subject to adjustment where circumstances indicate different customer use demands or service needs, in the District Manager's discretion.
- 16. Adjustments for overbilling, underbilling.**
- 16.1. It is the policy of the District to collect all amounts identifiable as due and owing for potable water services. The District reserves the right to collect such charges on the basis of joint and several liability, from the owner of premises served, the occupant of the premises, or from any person otherwise determined to be legally responsible for the charges concerned, as may be most convenient to the District.
 - 16.2. Underbilling or underpayment because of customer errors or other reasons not the result of District error will be collected in full.
 - 16.3. Underbilling or underpayment because of District error may be adjusted, considering the following criteria:
 - 16.3.1. In general, the public is presumed to know that a reasonable charge for utility services rendered must be paid. Where it appears a customer or other person from whom payment is sought did not know and had no reason to know of the error, charges accruing more than one year from the discovery of the error may be waived.
 - 16.3.2. There is "reason to know" of a billing error where the bill on its face is below regular charges, or where there are no charges being made to premises receiving service. Customers have a duty to make prompt inquiry with the utility billings office when they get such a bill inconsistent with the utility service to their premises.
 - 16.4. Underbillings because of customer error or where it appears a customer knew or should have known of the error should be paid in full.
 - 16.5. Where an account is overbilled or overpaid the refund period granted administratively is up to one year from the time the error is reported to the utility billings office, except that overpayments or overbillings because of customer fault should be reported by the customer within 60 days. Approved refunds are administered by an account credit for the premises served.

16.6. Billing errors are adjusted by the District Treasurer, or designee. Adjustment is made by way of credit to the utilities bill for errors in said bill unless another adjustment method is approved by the District Treasurer. Additionally, the District reserves all defenses, offsets and claims allowable in contract or law.

17. Partial payments.

17.1. Partial payments on delinquent accounts shall be applied to the delinquency charges and interest first for all KID services; and

17.2. After payment of the full delinquency charges owed, partial payments will be applied to any turn on, turn off or other miscellaneous fee due; and

17.3. The balance of the partial payment shall be applied first to potable water charges due until paid in full, then to other tolls, charges and assessments due.

18. Collection agency.

18.1. The District may refer unpaid accounts for collection to a collection agency approved by the Board of Directors pursuant to contract.

18.2. Accounts shall be referred to collection only after written notice has been sent to the account holder's last known address by certified mail, return receipt requested, and by regular mail, postage pre-paid, at least 30 days in advance of the referral to collection.

18.3. All collection fees shall be added to the amounts owed the District and will not reduce the amount owed the District.

19. Bad checks and bill summary fees. Unless otherwise modified by District resolution:

19.1. The fee for returned checks or disallowed electronic funds transfer is as set by the latest fee resolution.

19.2. Bill summaries are made when it is necessary to prepare a bill summary of charges accrued or estimated on an account, either upon customer or other third-party request, or after an account is 60 days delinquent, or because an account has been referred for collection effort. If the current KID Resolution provides for a fee, this charge may be assessed against the account or billed to the requesting party for each bill summary or request prepared.

20. Interruption of service. The District shall exercise reasonable diligence and care to furnish and deliver a continuous and sufficient supply of water to the customer, and to avoid any shortage or interruption of delivery of the same. The E&O Manager may at any time order the water cut off from any premises connected with the District mains without notice for repairs, extension or other necessary purposes, and persons having boilers supplied with District water are cautioned against danger of explosion or collapse. The District will not be liable for any damage that may occur on account of the water being cut off for any of the above purposes, or on account of the breaking of any pipe or fixture by water from the District's mains. Water consumers who have any material, machinery, process or plant which requires a constant supply of water shall install upon their premises such water storage facilities as will prevent any damage in case District water supply may for any reason be interrupted or discontinued.

21. Shut-off – Notice not required.

21.1. Water may at any time be shut off from the mains without notice for repairs, extensions or other necessary purposes, and persons having boilers supplied by direct pressure from the mains are cautioned against damage or collapse. The District is not responsible for the safety of boilers on the premises of any customer.

21.2. The District Treasurer or E&O Manager shall notify users when it is possible to give advance notice of water shut-off.

22. **Service discontinuance – Notice required.** Should a customer desire to discontinue the use of all water supplied to the premises for a period more than three months, notice in writing must be given and payment in full of all arrearages, if any, made at the Office of the District Treasurer. The water will then be turned on again upon application, but no remission of service charges will be made for a period of less than three months or without the notice prescribed in this section.
23. **Service discontinuance – Fee.**
 - 23.1. Should any customer desire to discontinue the use of water for a period of less than three months for the customer's convenience in making repairs, alterations or additions, the District disconnect and connect charge shall be as set by resolution.
 - 23.2. A nonpayment disconnect fee shall be imposed when service must be disconnected or a shut-off notice produced due to nonpayment of any outstanding water charges and shall be set by resolution.
24. **Unauthorized water use prohibited.** No person or persons supplied from the District water mains will be entitled to use water for any other purpose than that for which he has applied, nor to supply, in any way, other persons or families.
25. **Hydrant operation – Unauthorized system use prohibited.** No person, other than an employee of the Operations Department, Fire Department members or a qualified employee of the District, shall operate fire hydrants or interfere in any way with the District water system without first obtaining authority to do so from the Operations Department unless an emergency exists.
26. **Obstructing water prohibited.** No person may operate any water valve without the knowledge and written permission of the E&O Manager.
27. **Breaking structures – Appurtenance prohibited.** No person may break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the water distribution system, including, but not limited to, any valve, hydrant, storage tank, backflow device, District-owned supporting structures or substratum, or any part whatsoever of a public water system.
28. **Unauthorized connection to public water.** No unauthorized person may uncover, make any connection to, expose, use, alter, damage, or disturb any public water line or appurtenance thereof without first obtaining written permission from the E&O Manager, obtaining permits as required by this chapter, and paying fees therefore.
29. **Employees – Right of entry.** The employees of the Operations Department may enter at any reasonable time any premises where any District water is used, for the purpose of making an examination of the meter, meter reading, or tests of the meter, and remove any meter from the premises for examination and test whenever necessary. Should entry to any premises, where the meter is within said premises, be denied, after reasonable notice thereof, District water service to such premises shall be terminated.
30. **Liability.** The District shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing, or equipment, and the District may, without further notice, discontinue service to any customer when a defective condition of line, plumbing, or equipment occurring upon the premises of the customer, or is likely to result in interference with proper service, or liable to cause contamination of the water. The District does not assume the duty of inspecting the customer's line, plumbing, or equipment, and shall not be responsible therefore, and

will not be liable for failure of the customer to receive service on account of defective plumbing or apparatus on customer's premises, or for excessive consumption.

31. **Water line installers.** Construction of water lines shall only be performed by state of Washington licensed and bonded contractors or by the owner of the property that is to be served by the water. Owner installation shall be subject to the E&O Manager's approval.
32. **Severability clause.** If any section, clause or sentence of this chapter is declared by any court of competent jurisdiction on final appeal (if any appeal is taken) to be contrary to law, then such section, clause or sentence shall be null and void and shall be deemed separable from the remaining provisions of this chapter and shall in no way affect the validity of the other provisions of this chapter.