

Whitworth Water District No. 2

"Working for Better Water"

By-Laws

Adopted January 18, 2007

CERTIFICATION

We, the Board of Water Commissioners of Whitworth Water District No. 2, (the District) do hereby certify that this is a true, correct and complete copy of the amended Bylaws duly adopted by the District on the 18th day of January, 2007.

AUTHORITY

Pursuant to the authority given it by RCW 57.08.005, Laws of the State of Washington, the Board of Commissioners of Whitworth Water District No. 2, Spokane County, Washington, does hereby adopt, establish and ordain the following Bylaws, Rules and Regulations for the government and management of the District and the operations of its water distribution system, superseding the Rules and Regulations of the District as heretofore adopted and previously published.

AMENDMENTS

The Board of Commissioners of Whitworth Water District No. 2 shall have the authority to repeal, modify or add to these Bylaws, Rules and Regulations at any meeting called by the President or three or more members of the Board and such amendment shall take effect at the expiration of 10 days thereafter upon immediately posting notice of such amendment at the office of the District.

OPERATION OF OFFICE AND MEETINGS

A. Office

District office hours for payment of bills and any other business pertaining to the operations of the water system will be between the hours of 7:30 a.m. and 4:00 p.m. daily except Saturdays, Sundays and legal holidays.

B. Regular Meetings

Regular meetings are scheduled for the first and third Thursday of the month at 4:30 p.m. and may be held as often and at such times and dates as shall be determined by resolution of the Board of Commissioners, a copy of which resolution shall be posted in the District office. Other meetings may be arranged by a quorum of the Board of Commissioners whenever it is necessary.

C. Annual Meetings

The Board of Commissioners may hold one meeting per year for the purpose of making a report

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to the water users of the District, said meeting to be held on a date set by the Board.

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RATES AND CHARGES

A. Establishment

Rates to be charged for water received will be established by the Board of Commissioners and periodically reviewed and/or adjusted by resolution of the Board, said resolution to be incorporated within the Bylaws of the District and be binding following passage of the resolution. For each fiscal year the Board shall fix rates which will provide an estimated income to equal expenses and debt service relating to water bonds or when an emergency declared by the Board requires additional revenue.

After a petition signed by at least one hundred District water users is filed with the Board clerk asking the Board to review said rates or for any changes or alterations thereto, the Commissioners shall place the matter on the agenda at the next regular meeting. At the time appointed for hearing objections to the establishment of the revision of rates, the Board shall hear all objections which have been filed and shall determine the correctness of the rates, and this determination shall be final.

B. Rate Equity

Each property owner must pay equal rates for the same class of service and must also pay his bill in the time allotted by the Board of Commissioners as set forth in the schedule of rates. In defining the various classes of service, the Board may consider the difference in cost of service to the various customers and the location of various customers within and without the District, the difference in cost of maintenance, operation and replacement of the various parts of the system, the different character of the service furnished various customers, and capital contribution made to the system, including, but not limited to, assessments and any other matters which present a reasonable difference as a ground for distinction in arriving at a different class of service.

C. Construction Water

While any new construction is under way and the property is not metered, the Commissioners may, in their discretion, charge a reasonable amount for the use of water, which charge should not be less than the basic rate then being charged. The District may require that all costs including the connection charges and anticipated costs as set forth in the rate schedule be paid before any water is served to the premises.

D. Fire Protection

No charge shall be made for water used by the Fire District in extinguishing fires within the District.

E. Deposits

The Commissioners shall have the right to require a deposit of such sum as they deem necessary to insure the payment of water charges as they become due. This deposit will be returned to the depositor when the service has been discontinued and all accrued charges have been paid.

F. Owner Responsibility

Property owners who rent their property shall be responsible for all water charges and water will be turned on only by written order of said owner or his agent to the District Billing Department.

G. Returned Checks

The District shall have the right to charge a reasonable fee for processing insufficient fund checks,

no-account checks and postdated checks when such checks are received in payment of charges for water by the District.

H. Other Charges

1. All labor, material and miscellaneous charges borne by the District will be passed on to the property receiving the service.
2. After hours call outs will be billed out at a two hour minimum regardless of the amount of time spent at the residence.

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LEAKS

A. General

The District Manager or his agent may make adjustments or refunds where it is deemed necessary for the proper conduct of District business. A full explanation of the reason for the adjustment or refund must be filed within the office records.

B. Adjustment

Where a leak exists in the water system on the property side of the meter and it has been repaired, the District Manager or his agent may allow an adjustment of the bill based on the extenuating circumstances if the leak has been repaired in a timely manner.

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DELINQUENT ACCOUNTS

A. Late Charges

All water charges are payable at the District office on or before 15 days after the bill is issued and if not paid in 40 days from the billing date then all connection charges and/or rates and charges shall be considered as delinquent, and there shall become due an additional charge of 10% on each delinquent charge.

B. Liens

Forty days after the billing date, the person responsible for an unpaid bill will be notified in writing of the delinquency, and should that account not be paid in full within the next 20 days after being sent the delinquency notice, a lien may be filed against the property (RCW 57.08.081).

C. Service Shut Off

After connection service fees or various water charges have been delinquent for 30 days, water to the property may be completely or partially shut off and will remain off until said account's accrued charges, penalties and interest are paid in full. The District may also bring a suit for foreclosure at the time (RCW 57.08.081(3)).

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INTERRUPTIONS IN SERVICE

All water service by the District is subject to temporary interruptions resulting from breakdowns of the District's system or shutoffs required in connection with the making of the necessary repairs to the District's system or

extensions or improvements thereof or other necessary purposes.

The District does not guarantee a continuous supply of water in all events and any water user who requires a constant supply of water should install upon his premises such water storage facilities as would prevent damage in case water service from the District is temporarily interrupted for any reason.

The District will endeavor to prevent breakdowns and to maintain the system in proper working condition at all times, subject to causes beyond its control. Likewise, subject to causes beyond its control, the District will furnish water of the pressure, quantity and quality required by the Washington State Department of Health Minimum Standards to water users within the District. However, if it is predetermined that an in-line booster is necessary to satisfy this, the customer will pay for the cost of installing this on the service line after the meter.

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METER READINGS

Water meters will generally be read during the same day of each month and must be accessible at all reasonable times to Meter Readers. During the winter months, however, only those meters that it is suspected will register more than the minimum provided under the schedule of rates will be read and meters not read will be charged the basic rate per month under the schedule of rates. Any necessary adjustment of charges will be made with the next meter reading. The water month extends from the first day of the month to the first day of the next month.

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CONSERVATION AND EMERGENCIES

The District reserves the right, in times of emergency declared by a majority of the Board, to adopt a Water Conservations and Emergency Water Use Policy restricting water usage to the extent necessary to provide a fair distribution of available water.

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TURNING WATER ON OR SHUTTING OFF

A. Illegal Turn-On

It shall be a violation for any person or persons not employed by Whitworth Water District to open or shut any main valve or to tamper with or damage any portion of the water system. Any violator of this provision shall be subject to an assessment of \$150.00 plus the cost of repairing the main valve or meter.

B. Application to Turn On Water

Requests to turn on water must be made to the District Maintenance Department. The owner or his designee must be on-site when the water is turned on.

C. Private Provisions of District Water

No owner or lessee of property shall furnish water to any other person or property without first obtaining permission to do so from the District Superintendent. In the event of a violation the District may turn off the water. On and off charges, illegal turn on assessments and other per connection charges will be made in accordance with the current water rate schedule.

D. Temporary Shutoffs

A property owner or lessee will have the right to temporarily discontinue District domestic water service upon notifying the Billing Department in writing to that effect. Thereupon, the Maintenance Superintendent shall immediately shut off the water connection to the property

involved, provided that such discontinuation of service shall not relieve the property owner or lessee of his liability to pay all accrued prorated water charges, or the amount of water consumed as shown by a meter reading and not already paid for. Thereafter, no charge will be made against such property for the water service until the water service is again connected to said property.

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MAINTENANCE OF FACILITIES

All expenses of operation and upkeep of the water system of the District, including the mains in the street, roads alleys and land, for which an easement has been granted the District, shall be paid by the District; however, when expenses are incurred for the special benefit of a property owner or lessee, they shall be paid by the owner or lessee of the property served. The District shall be responsible for maintenance and repair and replacement of pipes up to the meter including maintenance and repair of the meter. The foregoing shall apply except in those instances where the meter is located in the house or dwelling or building; in that case the District shall be responsible for maintenance, repair and replacement of the pipe up to and including the shutoff valve nearest to the connection with the main.

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INSTALLATION

A. Main Extensions

The District may require any customer wishing to receive service to install main extensions as a condition of receiving water so that the new area to be served will have adequate water service and sufficient water for fire protection. Mains are to be installed across the front of the property, corner to corner. If a corner lot, the main shall be installed around the corner to the end of the property.

B. Water Rights

The District, depending on water availability circumstances at the time, may require a person who is developing property to provide the District with sufficient water rights to serve their proposed development. This is not done through a monetary contribution to the District but through actual acquisition of the rights by the Developer.

C. Developer

All expenses of installation, including labor and material, pipes, meters, valves, meter boxes and other necessary accessories for a private property connection with the water main or lateral in the street, road or alley shall be paid by the owner or lessee of the property served.

D. Connection

In addition to the foregoing cost, a connection fee shall be charged for the privilege of attaching to the system and receiving water from the District, which fee shall be set out in the [basic rate schedule](#). Connection fees shall be adjusted periodically in the same manner as the water rates as set out in Section 5 herein.

E. ULID Formation

The language contained in the foregoing provisions shall not prevent the Commissioners or the landowners from instituting either a local improvement district or utility local improvement district procedure where the property is assessed in accordance with the benefit received.

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FIRE HYDRANTS

A. Tampering

It is unlawful for any person to operate, alter, change, remove, disconnect, connect with or interfere in any manner with any fire hydrant owned or used by the District without first obtaining a Hydrant Use Permit and/or permission to do so from the Maintenance Superintendent.

B. Permitted Use

Fire hydrants are available for use of the Fire Department in the suppression of fire within the District. The District may permit short term use of specified hydrants for activities such as street cleaning, pool filling and ditch settling; however, in each instance a permit is required. Backflow protection will be required on all potential hazards to the public water supply as determined by the Maintenance Superintendent or Water Quality Specialist.

C. Installation

A contractor shall install fire hydrants as part of his subdivision at his expense in accordance with Fire Department Standards and District Specifications and will turn these over to the District at such time as the mains and appurtenances are accepted by the District to become part of the District's system. A connection fee shall be charged for each hydrant installed in accordance with the current [rate schedule](#).

D. Maintenance

The district is responsible for the maintenance of all fire hydrants connected to its system except for private hydrants.

E. Accessibility

Fire Department Standards (Sec. 10.105) require that there be a clear area around the hydrant of not less than 36" as measured from the outside edge of a barrel or port. Also, if a hydrant is located behind a fence, an unlocked gate is required in order to provide easy access to it. If a Whitworth employee repairs a hydrant that does not conform to this Standard because it is blocked by items such as bushes, shrubs or mailboxes, he must remove these obstructions in accordance with the Fire Standards.

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BACKFLOW

All backflow installation practices, devices and testing procedures will be in accordance with the District backflow prevention policy and State Drinking Water Regulations. Copies of this policy and the State Regulations are available from the Whitworth Water District Office.

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ACCESS TO PREMISES

A. Cross Connection Inspection

To the extent permitted by Law, employees of the District, with proper identification, shall have access during reasonable hours of the day, to all parts of buildings and premises for the purpose of inspecting the condition of water pipes and plumbing to determine whether cross connections exist and the manner in which the water is being used. If access is denied or a cross connection exists, water service to the premises shall be discontinued (WAC 246.290.490).

B. Meter Maintenance and Repair

To the extent permitted by Law, properly identified employees of the District shall have access at reasonable hours of the day for maintaining and repairing a meter or installing an ARB.

Whenever the owner of any premises supplied water by Whitworth Water District prohibits a District employee from reading or repairing a meter or installing an ARB unit, water service to the premises may be discontinued 60 days after access has been denied. If, however, prohibiting access could be detrimental to the health, safety and welfare of the remaining District customers, the water to those premises may be shut off immediately and the Department of Health will be notified.

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OWNERSHIP

A. District

1. The District owns and controls all of the water mains and laterals laid in the street, roads, and alleys or on land for which an easement has been granted to the District. The planning of the water mains and laterals is the responsibility of the Board of Water Commissioners and the District's Engineer and the District may at its discretion determine which lines, mains or laterals are service lines.
2. Titles to the meters shall remain with the District.

B. Property Owner

A property owner owns everything after the District's shut off valve located inside the property line except the water meter. The property owner is responsible for the care, maintenance and replacement thereof. If repairs of the water property are not taken care of by the property owner or lessee immediately upon notification, the District may make the necessary repairs or, at its option, shall have the water shut off until the owner makes said repairs. If District charges for these repairs are not paid within 60 days after the completion of the work, the water will be shut off to the property and an additional charge, as set forth in the water [rate schedule](#), will be added to the account for turning the water off and on.

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NEW CONNECTIONS

A. Service to Property

1. When a party or parties petition the District to have their property served with water, the Board of Commissioners may impose within their actual or implied power any reasonable prerequisite as a condition precedent to the property in question being served with water.
2. For all property that anyone wishes to have served with water, within or without the boundaries of the District, the owner, developer, or their agents must present to the District a map or plat that shows the location of the property to be served and the number of customers they hope to serve. With this information the District can advise the interested party how to proceed. Approval to extend and connect to the system shall depend upon the adequacy of both the existing water system and the projected water system and on the sufficiency and availability of water.
3. Whenever the District's water system is extended by the owner or property or a development and said system is then connected to the existing system of the District, the following shall be required before water to the property is turned on:
 - Bill of Sale
 - Complete set of as built
 - Cost Sheet
 - Easements

- Performance Bond
- Billing Department certification that all outstanding charges, including penalties, have been paid.

4. All mains, laterals, service lines and connections shall comply with the Comprehensive Plan and the Specifications that have been adopted by the District.

B. Service Size

1. Service lines on an owner's or lessee's property leading from the mains or laterals shall be laid not less than four and one-half feet beneath the surface of the ground and must be inspected by the District's Maintenance Department personnel before it is covered. No water service will be furnished to said property unless the installation is approved by the Maintenance Superintendent or designee.
2. Service lines from the main to the building or residence shall be a minimum of one inch diameter.

C. Approval for Installation and Removal of Water Service

An owner or lessee shall not connect his pipe with the water main in the street, road or alley, except by permission of the Superintendent of the District and under his supervision. Any expense incurred by the District in making such connection with the water main shall be paid by the owner or lessee of the property connected with the water main and an application or contract must be signed in advance of the service.

D. Installation of Service from Meter to Building Served

A separate service line shall be required for each dwelling, house or business building; however, in the case of multi-family units the District may require one or more meters for each multi-family unit, and charges shall be in accordance with the then existing rate schedule.

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METERS

A. Installation

1. Every service connection shall have a water meter which will include all necessary accessories, and shall be furnished and installed by the District under the supervision of the District's Superintendent. Meters will be installed inside dwellings or buildings unless an outside installation is approved by the Maintenance Superintendent or his designee. All outside meters must be in a good and sufficient meter box installed under the District Superintendent's supervision.
2. A separate meter shall be required for each dwelling, house or business building; however, in the case of multi-family units, the District may require one or more lines and/or one or more meters for each multi-family unit, and charges shall be in accordance with the then existing [rate schedule](#).
3. The District has the right to install the meter any time after the system connection has been made.

B. Installation Costs

A fee to cover the cost of the meter and its installation shall be charged to and paid for by the applicant before water is turned on.

C. Meter Ownership

Title to the meters shall remain with the District.

D. Meter Maintenance and Outside Repair

1. A meter that is suspected of registering incorrectly will be removed for inspection and if found to be defective because of normal wear will be replaced at the expense of the District. If found to be defective due to tampering or negligence on the part of the owner or lessee, the cost for removing and reinstalling the meter, plus the cost of meter repair will be paid by the owner or lessee.
2. If a customer requests his meter be pulled to check its accuracy and the meter is accurate, the customer will pay for the test; if the test shows the meter is inaccurate, then the District will absorb the test cost.
3. The District maintains the meter for accuracy and leaking; however, the customer shall be responsible for damage to the meter due to freezing or vandalism or damage due to a faulty or missing meter lid or meter box.
4. The customer/owner is the owner of the meter box and meter lid and is responsible for all repair and maintenance of the meter box and meter lid. If the meter is damaged due to a faulty meter box or lid or the failure of the customer/owner to repair or maintain the same, the customer/owner shall be responsible for the cost of repair or replacement of the meter.
5. If, upon inspection or observation, it comes to the District's attention that a meter box or meter lid is in need of repair or replacement, the District may notify the customer/owner of the need for such repairs and will give the customer/owner five (5) working days to complete such repairs. If such repairs are not timely made, the District may perform such repairs as are necessary to safeguard its meter and shall bill the customer/owner for the cost of such repairs.
6. The owner or lessee of the property is responsible for insulating the meter pit in the winter to prevent freezing of the meter and for cleaning the meter pit so it is free of debris. If the meter freezes, whether inside of outside the house, the owner will be charged for repairs to the meter.
7. If water is running and the District is called to shut it off by someone other than the owner/lessee and the owner/lessee cannot be located, the owner/lessee will be charged for the shut off and/or repair to the meter even though the shut off or repair was not authorized by them.
8. Irrigation deduct meters will be installed after the District's meter at the owner's expense.

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OVER BILLING AND UNDER BILLING ADJUSTMENTS

- A. District customers should carefully review their bills for over charges or errors. The District retains account records for three years; thus refunds or credits are limited to a time period going back three years.
- B. Billing errors are adjusted by the Whitworth Water District Manager and are made by way of a credit to the customer's account with the District.
- C. Where, upon reasonable examination, a party receiving or responsible for a District bill should have discovered an error or overcharge, or where the overcharge is made because of erroneous information not the result of District errors, refunds may be denied.

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