

# ADAMS COUNTY REGIONAL WATER DISTRICT

## RULES AND REGULATIONS

### I. SERVICE CLASSIFICATION.

There shall be no distinction in this category. When the word "District" is used in these rules, it refers and applies to the Adams County Regional Water District, and the words Customer and Consumer shall be synonymous when used in these rules.

### II. SERVICE APPLICATION.

- A. Any owner of a single family dwelling, auto court, duplex, or multiple dwelling building, a person holding property having reasonable accessibility to the source of, and who is in need of having water supplied to this property, may be a customer of the District. Persons who receive the approval of the Board of Trustees may be a customer of the District by paying the current service tap-in fee along with the signing of a water user's agreement and an acknowledgment and/or easement as provided and required by the District, provided that no person otherwise eligible shall be permitted to obtain water service from the District if the capacity of the water system is exhausted by the needs of its existing customers.
- B. All new customers of the District shall make written application and shall be required to state in writing they are the owner of the legal title to the real estate to which water service is requested. All potential customers wishing to purchase a water service tap must provide a copy of the deed to the property or proof of ownership. (Land contracts do not constitute proof of ownership for District purposes until clear title of property is issued to prospective customer). The respective owner or owners shall agree, upon making the water application, that they are responsible for the payment in full of water bills owing to the District as long as that particular property is served as a customer of the District.
- C. The District may reject any application for water service when the applicant is delinquent in payment of bills incurred for service previously supplied at any location, and any customer who is delinquent in payment of a bill shall automatically forfeit water service until the bill is current.
- D. If there is a violation of any of the provisions of these rules, code of regulations, or any other regulations of the District, the District may remove the meter and discontinue service. Where the meter is thereafter reinstalled, the customer shall first pay to the District a fee as set forth by the Board.
- E. If the customer voluntarily requests removal of his meter for a definite or indefinite period, there will be an established fee for the removal of the meter and another fee when the meter goes back in service.
- F. Any customer receiving a water tap after October 14, 1999, and who wishes to voluntarily disconnect service, must first have accumulated \$1000.00 in water service payments for that particular service account. Those customers who have not accumulated \$1000.00 in water service payments may not have service voluntarily disconnected or could be charged the difference remaining between the amounts of water service payments received by the District and the \$1000.00 liquidated damages fee as stated in the water user's agreement.
- G. The individual or company in whose name the water service/water user's agreement is prepared shall be responsible for payment of all bills incurred in connection with the service rendered. Bills will be sent solely to the owner/owners.
- H. All applicants for taps will be required to comply with and follow Adams County Regional Water District's "Rules and Regulations." A customer must notify the District within thirty (30) days where a tap is to be set or it will be set at the discretion of the District as work schedules permit. The District does, however, reserve the right to the final location of the meter setting.

### III. INITIAL OR MINIMUM CHARGES.

- A. The flat minimum monthly rate, as established in the rate schedule, will be payable irrespective of whether any water is used by the customer during a month.
- B. The flat minimum rate, as established in the rate schedule, will be payable irrespective of seasonal use. In the event the District is required to remove the meter, the District, when service is again restored, will make a charge for such reinstallation, as set out in Section II.E hereinabove.
- C. A tap fee shall be made for each new meter installation where made, regardless of location. Each meter will be a separate account for reading and billing purposes.
- D. Water furnished for a given lot or farmstead shall be used on that lot only. Each customer's service must be separately metered at a single delivery and metering point.
- E. In addition to the collection of regular rates, the District may collect from the customer a proportionate share of any privilege, sales, or use tax or imposition, based on gross revenues received by the District, and same will be added to the monthly bill.
- F. All service charge fees during/after business hours are determined by the Board of Trustees.

### IV. DISTRICT'S RESPONSIBILITY.

- A. The District will install, maintain, and operate a main distribution line or lines from the source of water supply, and service lines from the main distribution line or lines to the property line of each member of the District at which points, designated as delivery points, meters to be purchased, installed, owned and maintained by the District shall be placed. The District will bear the expense for the first 100 feet of up to a 2-inch service line or the expense to property line, whichever is lesser, when property owner is not adjacent to water line. When the property is located adjacent to water line, the meter tap is set approximately 8 feet from the water line, under normal circumstances. The District will also purchase and install a cut-off valve to be owned and maintained by the District and to be installed on some portion of service line and/or meter owned by the District. The District shall have the sole and exclusive right to use said cut-off valve and to turn it on and off. The District will also install a pigtail allowing the customer to connect. This connection and any line past this connection will be the sole responsibility of the customer.
- B. Each customer shall be entitled to not exceed one (1) service line from the District's water system, unless otherwise approved by the Board of Trustees and provided that the customer shall be required to pay the prevailing tap fee for each service line. No new service line or change in an existing service line may be made which will interfere with an existing service line or the delivery of water therein.
- C. Each service line shall connect with the District's water system at the nearest available place to the place of desired use by the customer if the District's water system shall be of sufficient capacity to permit delivery of water through a service line at that place without interfering with the delivery of water through a prior service line. If the District's water system shall be inadequate to permit the delivery of water through a service line installed at such place without interfering with the delivery of water through a prior service line, then such service line shall be installed at such place as may be designated by the District. Each customer will be required to dig or have dug a ditch, to purchase and install, and to maintain such portion of the service line or lines from the property line of the customer to his premises at his own expense.

## V. DISTRICT'S LIABILITY.

- A. The District does not assume the responsibility of inspecting the customer's piping or apparatus and will not be responsible therefore.
- B. The District reserves the right to inspect and to refuse service unless the customer's lines or piping are installed in such manner as to prevent cross-connections or backflow, and unless installation is in accordance with all county and state health department regulations.
- C. The District reserves the right to relocate a service meter from one location of customer's property to another location on same property for reasons of convenience of the District or for the District's maintenance purposes. Service taps and meters will not be relocated or transferred to a separate property.
- D. The District shall not be liable for damage of any kind whatsoever resulting from water or use of water on the customer's premises. The District shall not be responsible for any damages done by or resulting from any defects in piping, fixtures, or appliances on the customer's premises. The District shall not be responsible for negligence of third persons or forces beyond the control of the District resulting in any interruption of service, including, but not limited to, weather conditions, broken or frozen lines, or acts of God.
- E. Under normal conditions, the customers will be notified of any interruptions of service, if possible.
- F. Adams County Regional Water District cannot, and will not, be responsible for full volume and any specific pressure or an effective continuous supply of water for the normal operation of agricultural use, domestic use, commercial use, fire sprinkler systems, and many other uses utilized by the customers of the distribution system because a continuous supply of water at any given flow or pressure is subject to varying conditions which may affect the operation and maintenance of the mains, services, pumping stations, elevated storage tanks, and other appurtenances of the water system. If the District determines that it will not be able to provide adequate volume and pressure concerning the water furnished to the customer, the District reserves the right to withdraw water service to the customer and refund the tap fee made by the customer. It has been standard procedure that, whenever a tap is installed, a pressure reducer is installed at company expense if the pressure is 100 pounds or more at the meter. Anything less than 100 pounds is the customer's responsibility.

## VI. MEMBER'S RESPONSIBILITY.

- A. Piping on the premises of the customer must be so installed that the connections are conveniently located with respect to District lines and mains.
- B. If the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- C. The customer shall provide a place of metering which is unobstructed and accessible at all times. If the meter is not accessible to the meter reader, a letter shall be sent to the customer requesting the problem be corrected before the meter is due to be read the following month. If the problem is not corrected by this time, resulting in a service call by the District to try to obtain a reading or to correct the problem, a service charge shall be billed to the customer.
- D. The customer shall furnish and maintain a private cut-off valve and check valve on the customer's side of the meter. The District is to provide a like valve on the District's side of such meter or at the meter itself. Any service call requested by the customer's own maintenance problem will entail a call-out fee as established by the Board.
- E. The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner and in accordance with the District's rules and regulations and in full compliance with sanitary regulations of the state and county boards of health.
- F. The customer shall guarantee proper protection for the District's property placed

on the customer's premises and shall permit access to it only by authorized representatives of the District.

- G. In the event that any loss or damage to the property of the District or any accident or injury to persons on property is caused by, or results from the negligence or wrongful act of the customer, his agent or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and liability otherwise resulting shall be assumed by the customer.
- H. The amount of such loss or damage or the cost of repairs shall be billed to the customer, and, if not paid, service may be discontinued by the District.
- I. Water furnished by the District for residential use shall be used for domestic consumption by the customer, members of his household, and employees only. The customer shall not sell water to any other person or permit any other person to use said water. Water shall not be used for irrigation, fire protection, and other purposes, except that when water is available in sufficient quantity without interfering with the regular domestic consumption, then the water may be used for other purposes. Disregard for this rule shall be sufficient cause for refusal or discontinuance of service.
- J. All double units or more, such as but not limited to, two houses, a house and a mobile home, a house and an apartment, two apartments, and the like, being served by one meter, shall be strictly prohibited after March 9, 1995. Any such double units existing prior to March 9, 1995 will be "grandfathered" and allowed to continue as to the owner of record on or before said date. Upon the transfer (whether by sale, inheritance, gift, or otherwise) of such property upon which a "grandfathered" double unit exists, the new owner shall install separate meters for each unit as required in the Adams County Regional Water District's "Rules and Regulations." The transferor, or seller, shall have the sole responsibility of notifying the future owner or transferee of such property that such property is in violation of the rules and regulations of Adams County Regional Water District and that the transferee or new owner will be required to install separate meters.

Each such "grandfathered" double units or more, as well as current property owners, must still meet the following requirements.

- 1) Each property owner will be required to have a new inspection to assure the District that the line from the meter vault to first unit is an uninterrupted flow, as required under Section 3745-95-04 (A) of the Ohio Administrative Code; Ohio EPA.
- 2). Each property owner will further be required to have three (3) valves in place; a ball valve, dual check valve, and a pressure reducing valve, if necessary.
- 3) If the line from the meter vault has been split between more than one unit, each unit will be required to install the valve set forth in 2 above.

## VII. EXTENSIONS TO MAINS AND SERVICES.

- A. The Adams County Regional Water District may supply temporary service, for purposes of construction/utility projects requiring water service for a period of approximately one year or less, provided that the District has available in excess of the District's regular needs, and provided the District has available material and equipment necessary to supply said service. Each applicant for such service must pay in advance to the District the District's estimate of cost of labor and materials for installing and cost of removing such service. The District may construct extensions to its water lines to points within its area, but the District shall not be required to make such installations unless the customer pays to the District the entire cost of installation and removal.
- B. Potential customers can contact the business office for information on current line extension procedures and options.

## VIII. ACCESS TO PREMISES

- A. Duly authorized agents of the District shall have access, at all reasonable times, to the land and buildings of the customer for the purpose of installing or removing District property, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's service and facilities.
- B. Each customer shall grant and convey, or shall cause to be granted and conveyed to the District, a permanent easement and right-of-way across any property owned or controlled by the customer, wherever said permanent easement and right-of-way is necessary for the District water facilities and lines, so as to be able to furnish service to its customers.

## IX. CHANGE OF OCCUPANCY

- A. Not less than one week's notice must be given personally to the District to discontinue service or to change occupancy.
- B. The outgoing shall be responsible for all water consumed up to the time of departure, the time specified for departure, or the next scheduled reading date.
- C. New owners will be required to execute a water user's agreement and return said agreement to the District within 30 days. Failure to provide an executed water user's agreement will result in a disconnection of service. New owners will also be required to provide proof of ownership by presenting a deed within this 30-day period. Should a deed not be presented, the District will obtain one from the recorder's office and charge the customer an established fee.

## X. METER READING - BILLING - COLLECTION.

- A. Meters will be read or estimated and bills rendered monthly, but the District reserves the right to vary the dates or length of period covered, temporarily or permanently, if necessary or desirable.
- B. Bills for water will be figured in accordance with the District's published rate schedule and will be based on the amount consumed or estimated for the period covered. Charges for service commence when the meter vault is installed and connection to the main is made whether water is used or not.
- C. Readings for more than one meter cannot be combined for billing. This includes meters serving the same or different premises.
- D. The NET amount on the bill is payable on or before the due date indicated on the bill. Where payment for service is mailed to the District, the postmark will be taken as the time that payment is received. Failure to receive bills or delinquent notices for water service will not relieve the customer from responsibility for prompt payment, as the District cannot be responsible for mail delivery.
- E. Payment on bills not received by 4:30 PM on the due date will be charged a 10% penalty. If the 10th due date falls on a Saturday, Sunday, or a holiday, the bill will not be considered late if received or postmarked on the next working day. This amount becomes delinquent 15 days after due date. A disconnect notice will be mailed to the customer. Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the customer from payment.
- F. Any bill paid by check, which is later not honored and paid by the bank on which it is drawn, will cause the account to become delinquent, and must be paid within eight (8) days with cash, certified check, or money order to insure continuous service. A specified charge, to be determined by the Board of Trustees, will be assessed for a bad check.
- G. After receipt of two checks returned from the bank due to non-sufficient funds, the customer will be paced on a cash-only basis whereas the District will only accept payment by cash, cashier's check, or money order.

- H. Upon water service disconnection for nonpayment, personal checks will not be accepted for reconnection. Customer may pay by cash, cashier's check, or money order to have water service restored.

## XL. SUSPENSION OF SERVICE

- A. Upon discontinuance of service for nonpayment of bills, the District may proceed to collect the bill in the usual way provided by law for the collection of debts, and may refuse service at this location in the future to any such customer.
- B. Service disconnected for non-payment of bills will be restored only after bills are paid in full and a service charge paid for each meter reconnected. Payment must be received by 2:30 P.M. to have meter reconnected on the same day as disconnection. Customers requesting reconnection after these regular hours are subject to an additional service charge. This fee is established by the Board of Trustees. Reconnections **will not** be performed on District holidays.
- C. If a property owner has multiple accounts and one should become delinquent to the point of disconnection, the District reserves the right to add the delinquent balance to another of the owner's accounts after notification of such.
- D. The District reserves the right to discontinue its service without notice for the following additional reasons:
1. To prevent fraud or abuse
  2. Consumer's willful disregard of the District's rules.
  3. Emergency repairs.
  4. Insufficiency of supply due to circumstances beyond the District's control.
  5. Legal process or court order.
  6. Direction or by order of public authorities.
  7. Strike, riot, flood, accident, or any unavoidable cause.
- E. The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device or other District property.
- F. Service may be disconnected thirty (30) days after the due date. There shall be a reconnection charge paid, as established by the Board, before any water service shall be reconnected to the delinquent customer, as well as paying all delinquent amounts.

Due to the large geographical area, in order to be fair to all customers, once the monthly meter removal has been started (by removing the first meter); the charge will apply to all delinquent accounts scheduled for disconnection regardless of actual disconnection.

## XII. COMPLAINTS - ADJUSTMENTS

- A. If the customer believes his bill to be in error, he shall present his claim in writing within 30 days after the receipt of the bill to Adams County Regional Water District, P.O. Box 427, West Union, OH, 45693. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service, as heretofore provided. The customer may pay such bill under protest and said payment shall not prejudice his claim.
- B. Meter will be tested at the request of the customer upon payment to the District of a set fee as established by the Board of Trustees. If the seal is broken by other than the District's representative or if the meter fails to register correctly or is stopped for any cause, the customer shall pay an amount estimated from the record of his previous bills and/or other proper data. Should a meter be found faulty resulting in an over read, the customer's water bill will be adjusted and no fee will be charged for testing the meter.

- C. When customer loses water through a leak and the loss is great enough to exceed three (3) times the average usage, and the leak is repaired, the bill may be adjusted to wholesale rate for the amount in excess of three times the average usage. One leak adjustment will be granted per customer per year. Upon notification from the Adams County Regional Water District office (via a high usage notice, telephone call, etc.) the customer will qualify for a leak adjustment providing the customer provides adequate proof that the leak has been repaired within one month after notification. The customer forfeits his/her claim for an adjustment to the water bill if the leak is not repaired within a one-month period following notification. No leak adjustment amount will be granted for a period beyond two billing cycles.
- D. If a disaster should occur such as fire, tornado, etc., where damage is great enough that property cannot be inhabited and no water is used for a number of months because of the disaster, customer will not be charged reconnection or billed until it is restored to usable condition or water usage resumed.

### XIII. ABRIDGEMENT OR MODIFICATION OF RULES.

- A. No promise, agreement or representation of any employee of the District shall be binding upon the District except as it shall have been agreed upon in writing, signed and accepted by the acknowledged officers of the District.
- B. No modification of rates or any of the rules and regulations shall be made by any agent of the District.
- C. The Adams County Regional Water District's Board of Trustees reserves (he right to amend these rules and regulations with a majority vote of said Trustees. Any rates or charges specified in these rules and regulations are subject to change at the Board's discretion.

### XIV. METER CLASSIFICATIONS

- A. **Retail-** Meter sizes range from 5/8" to 2" and can include businesses and oilier high volume users. This class must sign the corresponding water user's agreement. Mobile home courts, however, must sign a contract.
- B. **Commercial-** Meter sizes range from 3" to 6". This class must sign a commercial water user's agreement.
- C. **Wholesale-** This class is for reseller's of water and must be done by contract All rates and tap fees are established by the Board of Trustees and are subject to change without notice.

### XV. EASEMENTS

Before any new construction can take place on private land, an easement must be granted by the landowner. The District will not pay for any easement other than the dollar stated on the easement when extending to serve new customers.

No property owner who has refused to grant an easement for the location of water lines or meters on their property, thereby necessitating the construction of such lines in the public right-of-way adjacent to such property or force the line to be installed on the opposite side of the road, shall be granted a water tap or service to such property except on specific resolution of the Board of Trustees of Adams County Regional Water District.

In considering such application for water service the Board shall require a written request therefore including the applicants' explanation of his/her reasons for refusal to grant such easements. The Board may require staff input on such application.

The Board, if such application for water is granted, may require:

- A. Granting of the easements as outlined by company staff as necessary to service the property in question.
  
- B. Payment by the applicant of any amount to the District, in addition to normal tap fees line cost, bores, and other construction cost as designated by the Board to insure adequate resources for relocation of the water line from public right of way if such relocation is required by governmental agencies, either state, county or township.

For purposes of this policy the relocation charge shall be at the cost of time and material at the given time for the frontage of the property in question, or the length of line needed to circumvent a property where the easement was refused.

This policy shall not apply to bona fide third party purchasers of property on which an easement was refused if such party did not personally participate in the refusal to grant the easement for construction of the water line, either at this location or prior location owned by the third party.

This procedure shall also apply to the circumstances where a property owner requests Adams County Regional Water District to release an easement in order to dedicate such property to the public agency as additional right of way of adjacent roads. Adams County Regional Water District shall not release such easements until the applicant has paid the relocation sums required.