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**RURAL WATER DISTRICT NO. 1**

**JACKSON COUNTY, KANSAS**

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**Rules and Regulations**

These Rules are issued in compliance with Chapter 82a, Article 6, general Statutes of Kansas, 1949, supplement of 1961, as amended and the By-Laws of the District and are designed to govern the supplying and taking of water service in a uniform manner for the benefit of the District and its members. They are subject to change from time to time. If a provision of the Rules conflict with a provision of the rate schedule, the provision of the rate schedule will prevail. If any portion of these Rules shall be declared invalid by competent authority, such voidance shall not affect the validity of the remaining portions.

**Definitions:** The following expressions when used herein will have the meaning stated below:

**Applicant:** Any individual, firm, partnership, corporation or other agency owning land located within the District, applying for water service.

**Benefit Unit:** A right entitling the holder to one water service. A right entitling the holder to one water service, and one water supply unit of one pint per minute if no constant flow line.

**Water Supply Unit:** From constant flow users, a right entitling the holder to one pint of water per minute. The holder of a benefit unit on a constant flow line may purchase such additional water supply units as the Board of Directors may approve.

**Board:** The Board of Directors of Rural Water District No. 1, Jackson County, Kansas.

**Consumer:** Any individual, firm, partnership, corporation or other agency receiving water from the district’s facilities and owning or occupying land located within the District in favor of which one or more benefit units have been subscribed and paid for.

**Point of Delivery:** The point of delivery shall be at the meter, unless otherwise specified in the Application for Water Service and Water User’s Agreement.

**Service:** The term service when used in connection with the supplying of water shall mean the availability for use by the consumers of water adequate to meet the consumer’s requirements. Service shall be considered as

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available when the District maintains the water supply at normal pressure at the point of delivery, in readiness for the consumer’s use, regardless of whether or not the consumer makes use of it.

**Application for Water Service and Water User’s Agreement:** The agreement or contract between the consumer and the District, pursuant to which water service is supplied and accepted.

**Water Service:** A water service shall consist of facilities for supplying water to one residence or business establishment located on land within the District. A landowner must purchase a benefit unit and accept a water service for each residence or business establishment served.

**GENERAL RULES**

1. The supplying and taking of water will be in conformance with these Rules and the applicable rate schedule attached hereto, and filed with the Chief Engineer of the Division of Water Resources and the Secretary of the District: Provided, however, that such rate schedule is subject to change by action of the Board: Provided, further, that if at any time the board of Directors determines that the total amount derived from the collection of charges is insufficient for the payment of operating costs, emergency repairs, debt service, and a reasonable reserve, the board shall increase the minimum water rate for the first month thereafter in an amount sufficient to pay such operating costs, emergency repairs, debt service, and to accumulate reasonable reserves.
2. Applicants for service shall make application to the Secretary of the District. If the application for service is approved by the Board of Directors, the applicant will purchase a benefit unit for each water service desired, and sign the standard Application for Water Service and Water User’s Agreement for an indefinite period. Payment must be made within 6 months of application unless board agrees to a longer period.
3. Before installing a service extension and providing water available for use, the Board may require the applicant to pipe his home and be in readiness to accept service. Meter must be installed within 6 months of approval and payment unless board agrees to a longer period.

**Service is for Sole Use of the Consumer:**

A standard water service connection is for the sole use of the applicant or the consumer, and does not permit the extension of pipes to transfer water from one property to another, nor to share, resell, or sub-meter water to any other consumer. If an emergency or specific situation should make such an arrangement advisable, it shall be done only on specific written permission of the Board of Directors, for the duration of the emergency.

**Agreements with Governmental and Public bodies:**

The District through its Board of Directors may make specific water service contracts with the Federal Government, the State of Kansas, or

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agencies thereof, school districts and municipal corporations, differing from stipulations set out in the rate schedule and Rules.

**Right of Access:**

Representatives of the District shall have the right at all reasonable hours to enter upon consumer’s premises to test control valves, inspect piping, and to perform other duties for the proper maintenance and operation of service, or to remove its service equipment and shut off water upon discontinuance of service by consumers.

Meters are to be made accessible at any and all times to the District’s personnel, free and clear of shrubs, brush, trees, debris and domestic animals. District personnel shall have the right to trim or remove any limbs or debris that would endanger their safety.

**Continuity of Service:**

The District will make all reasonable efforts to supply continuous, uninterrupted service. However, it shall have the right to interrupt service for the purpose of making repairs, connections, extension, or for the other necessary work. Efforts will be made to notify consumers who may be affected by such interruptions, but the District will not accept responsibility for losses which might occur due to such necessary interruptions.

The District does not accept responsibility for losses which might occur due to interruptions to service caused by storms, strikes, floods, or other causes beyond its control.

**CONTROL EQUIPMENT**

Meters or flow control and float valves will be furnished, installed, owned, inspected, tested and kept in proper operating condition by the District, without cost to the consumer. A complete record of tests and histories of meters will be kept. Meter tests will be made according to methods of the American Waterworks Association by the District, as often as deemed necessary by its Board of Directors.

**Meters or Flow Control Accuracy:**

Meters or flow control valves will be checked periodically at the direction of the Board of Directors. Service Meters whose errors do not exceed two percent (2%) fast or slow shall be considered as being within the allowable limits of accuracy for billing purposes. The percentage of error will be considered as that arrived at by taking the average of the error at full load and that at ten percent (10%) load, unless a consumer’s rate of usage is known to be practically constant in which case the error at such constant use will be used.

**Meter or Flow Control Valve Locations:**

Meter or flow control valves will be set in meter wells at or near the user’s property line. Float valves when used will be installed at the consumer’s

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Section 2. Each participating member shall be entitled to purchase from the District, pursuant to such agreement as may from time to time be provided and required by the District and the Board, such water for domestic, livestock, garden and other purposes as a participating member may desire, subject, however, to the provisions of these By-Laws and such rules and regulations as may be prescribed by the Board. The water delivered to each participating member shall be metered.

Section 3. In the event the total water supply shall be insufficient to meet all of the needs of the members and users, or in the event there is a shortage of water, the District may pro-rate the water available among the various members and users on such basis as is deemed equitable by the Board, and may also prescribe a schedule of hours, covering the use of water for garden purpose and require adherence thereto, or prohibit the use of water for garden purpose if at any time the total water supply shall be insufficient to meet all of the needs of all of the participating members for domestic, livestock, garden and other purpose, and the District must first satisfy all the needs of the participating members for domestic purposes before supplying any water for livestock purposes and must satisfy all the needs of all the participating members for domestic and livestock purposes before supplying water for gardens or other purposes.

**ARTICLE 20**

**Printing**

Section 1. After adoption, these By-Laws shall be prepared in pamphlet form, and a copy thereof shall be available at the district office to each participating member upon request

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**ARTICLE 16**

**Fiscal Year**

Section 1. The fiscal year of the District shall begin the first day of January of each year.

**ARTICLE 17**

**Amendment**

Section 1. These By-Laws may be repealed or amended by a vote of 3/4ths of the participating members present at any annual meeting of the District, or at any special meeting of the District called for that purpose except that the participating members shall not have the power to change the purposes of the District so as to impair its rights and powers under the laws of the State of Kansas, or to wave any requirements of bond or other provisions for the safety and security of the property and funds of the District or its participating members, or to deprive any participating member or landowner of rights and privileges then existing, or to so amend the By-Laws as to affect a fundamental change in the policies of the District. Notice of any amendment to be made at any regular or special meeting of the participating members must be given at least 10 days before such meeting and must set forth the amendments to be considered.

**ARTICLE 18**

**Basis of Operation**

Section 1. The district shall at all times be operated on a non-profit basis for the mutual benefit of its participating members.

**ARTICLE 19**

**Benefits and Duties of Members**

Section The District shall install, maintain and operate a main distribution pipe line or lines from the source of water supply, and lines from the main distribution pipe line or lines, to the property line of each participating member of the District, at which point designated as delivery points, meters to be purchased, installed, owned and maintained by the District shall be placed.

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storage facility. Meters shall be set in an accessible place outside of buildings except where otherwise directed by the District. All meters shall be set horizontally and never connected into a vertical pipe. Meters set outside of a building shall be placed in a meter box furnished and installed by the District.

**Bills:**

The third week of each month district employees will read the water meters. Bills will be mailed to customers by the last day of each month and bills not paid by the 15th of the month at 4 pm shall be subject to a ten percent (10%) late charge. Failure to pay a bill by the first day of the month following the month in which the bill is rendered shall result in proceeding to discontinue service. Wholesale users will pay their fixed payment by the same date.

**Billing Dates: Delinquency Date: Charge for Delinquent Payment:**

Water bills shall be mailed on approximately the 20th day of each month for the previous period. All water bills shall be due and payable at the office upon receipt and must be paid in full not later than the 15th day of the following month by 4 pm. Payments not received prior to the 15th day of the following month shall be delinquent. A delinquent charge of ten percent (10%) will be added to each delinquent bill.

**Nonpayment of Bills:**

1. An account delinquency and service discontinuance notice shall be issued in writing on the 20th day of the month with respect to any delinquent water bill. Notice shall be sent by U.S. Mail, First Class, to the benefit unit owner (and a copy also sent by U.S. Mail, First Class, to the occupant of the premises served if the occupant is not the benefit unit owner, referred to herein collectively as the “customer”) at the last known address of the customer as shown on the records of the district.
2. The notice of account delinquency and service discontinuance shall provide the following information:
   1. Name of customer and address where service is being provided
   2. Amount past due.
   3. Notice that water service shall be terminated upon failure to pay the delinquent billing within 10 days of the day of the mailing of the notice or the day following the hearing, whichever last occurs.
   4. Notice that the customer has a right to appear and be heard at a hearing on the hearing date set by the District.
3. Any customer receiving a notice of account delinquency and service discontinuance shall have the right to a hearing prior to disconnection. The hearing shall be held not less than five days after the date of the notice. The hearing shall be conducted

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by such person as the Board appoints for that purpose. At such hearing, the customer and the District shall each have the right to present such evidence as is pertinent to the issue, may be represented by counsel, and may examine and cross-examine witnesses. Formal rules of evidence shall not apply. The hearing officer shall promptly make his or her findings and shall enter his or her order accordingly. Unless otherwise ordered by the hearing officer, water service shall be discontinued the day after the date the order of discontinuance is issued by the hearing officer. Extension of the date of discontinuance may be granted to enable the customer to make arrangements for reasonable installment payments or for other good cause shown. The hearing officer’s order shall be filed and a copy thereof shall be provided to the customer in the same manner as set for in sub-paragraph (a), above.

d) Any party aggrieved by the decision of the hearing officer may appeal the same by filing a written notice of appeal with the Secretary of the District. Notwithstanding the order of discontinuance, service shall not be discontinued if the notice of appeal has been received prior to termination. Any such appeal shall be set for the hearing before the Board at its next regularly scheduled meeting or special meeting. The determination of the Board shall be final. The determination of the Board shall be recorded in the minutes of its proceedings, and notice thereof shall be provided to the customer in the same manner as described in subsection (a), above.

**Reconnection Charges:**

The reconnection charge for restoration of service, if reconnection is authorized and approved under the provisions of the By-Laws of the District, after each suspension of service because of delinquent payment or for any other infraction of these Rules, shall be the unpaid amount charged to date against the consumer’s benefit unit, plus ten percent (10%) interest, and a reconnection fee of $60 or the current reconnection fee as approved by the board of directors.

**Requested Meter Tests:**

Meter valve tests requested by consumers will be performed without cost to the consumer if the meter or valve is found to be in excess of two percent (2%) fast. Otherwise the consumer for whom the requested test was made will be charged for the cost of making the test.

**Consumer’s Responsibility:**

The consumer shall be responsible for any damage to service equipment installed by the District for his service, on account of any cause other than normal wear and tear. The consumer shall be responsible for any water that flows thru the meter. The consumer is responsible for the installation & maintenance of the line from the meter to the residence. **Consumer must fix any known water leak on their service line within 7 days of notification (written or verbal) by the District. The District reserves the right to discontinue service until the service line is fixed.**

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**ARTICLE 13**

**Board Meetings**

Section 1. The Board shall meet annually on the fourth Tuesday of February, immediately following the annual meeting of the participating members, and may meet at such or other times as may be determined by the Board, or upon call by the chairman or any two members of the Board. Notice of all meetings of the Board, other than the annual meeting to be held on the fourth Tuesday of February, shall be by mailing a notice to the last known business or residence address of each Director, at least two days before the holding of such meeting: Provided, however, that when all of the directors are present at any meeting, however called, or consent in writing that such meeting may be held, the proceedings thereat shall be as valid as though the previous written notice had been given. As an alternate date for the regular board meeting, the third Tuesday of each month will be used for any conflicts or for special meetings.

**ARTICLE 14**

**Manner of Election and Voting’s**

Section 1. At the annual meeting, each participating member, qualified as stated in these By-Laws, shall be entitled to vote upon all propositions coming before said District. Each participating member of the District shall have but one vote regardless of number of benefit units held.

**ARTICLE 15**

**Seal**

Section 1. The District shall have a corporate seal, consisting of a circle having in its circumference and face the words, “Rural Water District No. 1, Jackson County, Kansas,” which shall be in the custody of the Secretary.

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**ARTICLE 11**

**Books and Records**

Section 1. The books and records of the District, and such papers as may be placed on file by vote of the District or Directors, shall during all reasonable business hours, be subject to inspection of any landowner of the District.

**ARTICLE 12**

**Annual Meeting of Participating Members**

Section 1. The annual meeting of the participating members of the District shall be held at some suitable location within the District designated by the Board, at 8:00 p.m. the fourth Tuesday of February.

Section 2. Special meeting of participating members may be called at any time by the Chairman of the Board, signed by 51% of the participating members of the District. The purpose of every special meeting shall be stated in the notice thereof, and no business shall be transacted thereat except such as is specified in the notice.

Section 3. Notice of meetings of participating members of the District shall be given by mail to each participating member of record directed to the address shown upon the books of the District at least 10 days prior to the meeting. Such notice shall state the nature, time, place and purpose of the meeting, but no failure or irregularity of a notice of any annual meeting, regularly held, shall affect any proceeding taken thereat.

Section 4. The participating members present at any meeting of participating members shall constitute a quorum for the purpose of the transacting business.

Section 5. The order of business at the annual meeting and so far as possible, at all other meetings, shall be:

1. Call to order
2. Proof of Notice of Meeting;
3. Reading and approval of minutes of last meeting;
4. Report of offices and committees;
5. Election of Directors;
6. Unfinished business;
7. New business;
8. Adjournment.

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**Theft of Services:**

The act or attempted act of “Theft of Service” as defined by Federal, State or County statutes shall constitute a forfeiture of the Benefit Unit on behalf of which the act or attempted act occurs and the immediate termination of water services without regard to any other articles herein; provided the Board may permit reinstatement upon written request from the owner of the Benefit Unit and a payment of an amount determined as reasonable by the Board given the circumstances, said amount not to exceed the greater of the current Benefit unit price or current charges accrued against the forfeited Benefit unit.

**Change of Occupancy:**

It shall be the consumer’s responsibility to anticipate changes of occupancy, and to have his benefit unit and additional water supply unit(s) transferred to the new consumer as prescribed in the By-Laws. Until the benefit unit is formally transferred, the original holder shall be responsible for payment of service. All charges levied against a benefit unit must be paid before the benefit unit can be transferred, or service resumed where there has been a suspension.

**Main Extensions:**

If a water main must be extended to serve an applicant, the applicant will be required to pay all of the costs of the water main extension, unless otherwise determined by the Board.

The District will install and pay for all water services pipes (except for private fire protection) from its mains to the meter on pressure lines and to the float valve at the owner’s reservoir for constant flow lines. The service line for meters shall not be less than ¾ inch in size. The district will also install and pay for the District dock, meter, meter setting for pressure lines and will pay for the flow control valve, strainer, float valve and insulated valve box on constant flow lines. The meter or constant flow valves will be set in front of the premises to be served or at the closest point on the consumer’s premises designated by the District.

**Applicants Having Excessive Requirements:**

In the event an applicant whose water requirements are found to exceed the District’s ability to supply it from existing plant without adversely affecting service to other customers to an unreasonable extent, the District will not be obligated to render such service, unless and until suitable self- liquidating financing is arranged to cover necessary investment in additional plant.

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**Connection with Private Water System:**

There shall be no physical connection between any private water system and the water system of the District. Representatives of the District shall have the right at all reasonable hours to enter upon consumer’s premises for the purpose of inspection and enforcement of this provision. Violation of this provision shall constitute cause for disconnection of a consumer’s service.

**Fire Hydrants: Effective February 28, 2012**

Fire hydrants may be installed in the District at the consumer’s expense if, at the desired location, pressure, flow, and line size criteria exist as follows:

1. Minimum constant water flow of 250 gallons per minute for a continuous period of two hours.
2. Minimum water line size of four (4) inches if looped (two-way feed) or six (6) inches if unlooped (one-way feed). Special exceptions may be granted by the board of Directors to the requirement the four (4) inch water line be looped if an engineering study shows that an unlooped four (4) inch line will be capable in the future of providing the above pressure and flow criteria.
3. Minimum residual water pressure of twenty (20) pounds per square inch in the water line for a continuous period of two (2) hours.

**Fire Line Installations:**

Subject to the following provisions, the District will consider and approve applications for fire line installations if the water demand for fire protection does not exceed the District’s ability to supply water without adversely affecting operation of the District’s system.

Application for connection of a fire line to the District’s water mains shall be accompanied by a report prepared by a licensed engineer containing the applicant’s desires point of connection, anticipated required flow rate and information on the fire

protection line and appurtenances to be installed. In addition, the following provisions shall apply to all fire line installations:

a. An applicant for a fire line shall be required to purchase a benefit unit for each approved fire line to be served. The cost of the benefit unit shall be the lowest priced benefit unit available from the District. In addition, the applicant will be required to pay the installation cost and other wise comply with the requirements hereafter set forth.

b. The District on a case-by-case basis will determine the cost of fire line installations. The District will install and the applicant will pay for the main connection, shut-off valve and water line extension from the District’s main to the applicant’s property line. The installation and cost of all other water line and appurtenances for the fire line from applicant’s property line to applicant’s premises and facilities will be applicant’s responsibility. Applicant’s property line is defined as that point where the road or street right-of-way ends or where applicant’s property otherwise begins in the

absence of a road or street right-of-way.

c. After original installation, the consumer will be responsible for the repair and maintenance of consumer’s fire line and appurtenances from the consumer’s property line to consumer’s premises and facilities. The District will repair and maintain, at consumer’s expense, the main connection, shut-off-valve and fire line from the point of connection at the District’s main to the consumer’s property line. The consumer, and not the District, shall be responsible for periodically monitoring consumer’s fire line installation and fire protection system for proper flow and operation.

d. All fire lines shall comply with the District’s regulation for“Backflow Prevention and Cross Connection Control.” The backflow prevention device required by the District, but to be installed by the consumer, shall be an approved “Double Check Valve Assembly”,

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**ARTICLE 10**

**Duties of Officers**

Section 1. Chairman. The Chairman, who shall be a member of the Board, shall preside over all meetings of the District and the Board, call special meetings of the District and the Board, perform all acts and duties usually performed by an executive and presiding officer, and shall sign all Benefit Unit Certificates and such other papers of the District as he may be authorized or directed to sign by the Board, provided the Board may authorize any person to sign checks, on behalf of the District, provided that all checks must be countersigned by the Treasurer. The Chairman shall perform such other duties as may be prescribed by the Board.

Section 2. Vice-Chairman. In the absence or disability of the Chairman, the Vice-Chairman, who shall be a member of the Board, shall perform the duties of the Chairman.

Section 3. Secretary. It shall be the duties of the Secretary, who shall be a member of the Board, to keep a record of the proceedings of the meetings of the Board and of the District. He/she shall serve, or cause to be served, all notices required to be served by law or the By-Laws of the District; and in case of his absence, inability, refusal or neglect to do so, then such notices may be served by any member of the Board directed by the Chairman.

Section 4. Treasurer. The Treasurer, who shall be a member of the Board, shall receive and account for all funds of the District, shall deposit the same in some bank designated by the Board as a depository, and pay the amounts, or cause them to be paid out of the depository only on the checks of the Chairman, or someone authorized to sign on the Chairman’s behalf, countersigned by the Treasurer. At each annual meeting of the District, he/she shall submit for the information of the participating members a complete statement of his/her account for the past year and he/she shall discharge such other duties pertaining to his/her office as shall be prescribed by the Board, and shall give a good and sufficient bond in such amount as may be fixed by the Board.

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1. Prepare annually an estimated budget for the coming year, adjust water rates, if necessary to produce sufficient revenue required by such budget, cause and annual audit of the District records and accounts to be made by a licensed municipal public accountant or a competent certified public accountant, and make a report on said matters at each annual meeting of participating members.
2. To provide water service to portions of Jackson, Jefferson, and Shawnee counties.

**ARTICLE 9**

**Powers and Duties of Manager**

Section 1. The Board may employ for the District a manager, who shall have charge of the business of the Association under the general control, supervision and direction of the Board. No Director shall serve as manager. Subject to the approval of the Board, the manager shall employ, supervise and dismiss all agents and employees of the District and fix their compensation. He shall also so far as practical, conduct the business in such a way that all patrons receive equal service and treatment, deposit in a bank selected by the Board, all money belonging to the District, which comes into his possession; maintain his records and accounts in such a manner that the true and correct condition of the business may be ascertained therefrom at any time; furnish the Board a current statement of the business and affairs of the District at each scheduled meeting of the Board and at the end of each fiscal year and at such other times and in such forms as the Board may direct; carefully preserve and turn over to his successor all books, records, documents, and correspondence pertaining to the business of the District which may come into his possession; and to perform such other duties as may be prescribed by the Board.

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except an approved “Reduced Pressure Backflow Preventer” will be required where a hazardous or potentially hazardous condition is anticipated by the District at the consumer’s facility. The responsibility and cost of maintaining, repairing and replacing the backflow prevention device shall be that on the consumer.

e. Auxiliary or booster pumps shall not be permitted on fire line installations.

f. Fire lines shall not be used for any service or purpose other than fire protection.

g. Fire line installations shall not be altered or extended to change quantity or purpose of usage, area coverage or flow rate without District approval.

A fire line installation shall be unmetered, but will carry with it an obligation on the part of the consumer to pay a monthly service charge for the connection. The monthly service charge shall follow the same billing cycle as ordinary water service. The monthly service charge for a fire connection shall be based upon the size of the line utilized for the connection at the District’s main water line.

**Drought/Emergency Contingency Plan:**

Jackson County Rural Water District #1 addresses its short term water shortage issues through a series of stages based on conditions of supply and demand with accompanying triggers, goals, and

actions. Each stage is more stringent in water use than the previous stage since the water supply conditions become more urgent. The District

Manager is authorized by resolution to implement the appropriate conservation measures.

STAGE 1: Water Watch

*Triggers*

This stage is triggered by any one or more of the following conditions:

1. The District storage has fallen below 85% capacity.

2. Groundwater levels have fallen five feet below the normal seasonal level.

3. Demand for one day is in excess of .40 million gallons per day.

*Goals:*

The goals of this stage are to heighten public awareness of water conditions and to maintain the integrity of the water supply system.

*Management Actions:*

1. Leaks will be repaired within 48 hours of detection.

2. The District will monitor its use of water and will curtail activities such as hydrant flushing.

*Regulation Actions:*

The public will be asked to curtail some outdoor use and to make efficient use of outdoor water, i.e. wash full loads, take short showers, don’t let faucets run, etc.

STAGE 2: Water Warning

Triggers

This stage is triggered by any one or more of the following conditions:

1. The District storage has fallen below 70% capacity.

2. Groundwater levels have fallen ten feet below the normal seasonal level.

3. Demand for one day is in excess of .50 mgd.

4. Provider of purchased water has issued a stage 2 water emergency.

*Goals:*

The goals of this stage are to reduce peak demands by 20% and to reduce overall weekly consumption by 10%.

*Management Actions:*

1. The District water supplies will be monitored daily

2. Leaks will be repaired within 24 hours of detection.

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3. The District will curtail its water usage, including water of District grounds and washing of vehicles.

*Regulation Actions*:

1. An odd/even lawn water system will be imposed on District residents.

2. Outdoor water use, including lawn watering and car washing will be restricted to before 10:00 A.M. and after 9:00 P.M.

3. Golf course will restrict watering to tees and greens after sunset.

4. Refilling of swimming pools will be allowed one day a week after sunset.

5. Outdoor watering will be restricted to hand held hose or bucket only.

6. Excess water use charges for usage of water over amount used in winter will be considered.

7. Waste of water will be prohibited.

STAGE 3: Water Emergency

Triggers

This stage is triggered by any one or more of the following conditions:

1. The District storage has fallen below 50% capacity.

2. Groundwater levels have fallen fifteen feet below the normal seasonal level.

3. Demand for 1 day is excess of .475 million gallons per day.

4. Provider of purchased water has issued a stage 3 water emergency.

*Goals:* The goals of this stage are to reduce peak demands by 50% and to reduce overall weekly consumption by 25%.

*Management Actions:*

1. The District water supplies will be monitored daily.

2. Leaks will be repaired within 24 hours of detection.

3. The District will seek additional emergency supplies from other users, the state or the federal government.

*Regulation Actions*:

1. Outdoor water use will be banned.

2. Waste of water will be prohibited.

3. Failure to comply with regulation action could constitute discontinuance of service.

**Regulation for Backflow Prevention**

**And Cross Connection Control:**

WHEREAS, it is in conformity with Kansas Administrative Regulation 28-15-18 and in the public interest to protect the quality of water to the consumers of Jackson County Rural Water District #1, Kansas, hereinafter referred to as “the District”; and, WHEREAS, this public water supply system is operated by the District in compliance with the policies and regulations of Kansas Department of Health & Environment, hereafter referred to as “KDHE”; and WHEREAS, restrictions are necessary to prevent contamination of the water provided to the consumers from cross connections with the public water supply system; and; NOW THEREFORE, be it resolved by the Board of Directors of the District that the following regulation be adopted:

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**ARTICLE 8**

**Powers and Duties of Directors**

Section 1. The Board, subject to the restrictions of law, and these By-Laws, shall exercise all the powers of the District without prejudice to or limitation upon their general powers, it is hereby

expressly provided that the Board shall have, and is hereby given, full power and authority in respect to the matters as hereinafter set out:

1. To select and appoint all agents and employees of the District or remove such agents and employees of the District for just cause, prescribe such duties and designate such powers as may not be inconsistent with these By-Laws, and fix their compensation and pay for faithful service.
2. To borrow from any source money, goods, or services and to make and issue notes, and other negotiable and transferable instruments, mortgages, deeds of trust and trust agreements, and to do every act and thing necessary to effectuate the same.
3. To prescribe, adopt and amend, from time to time, such equitable and uniform rules and regulations, as, in their discretion, may be deemed essential or convenient for the conduct of the business and affairs of the District, and the guidance and control of its agents and employees.
4. To fix charges to be paid by each water user for services rendered by the District to him, the time of payment and the manner of collection, and to establish equal rates for farm members and non-farm members according to the amount of services furnished.
5. To require all officers, agents and employees, charged with the responsibility for the custody of any funds of the District to give adequate bond, the cost thereof to be paid by the District, and it shall be mandatory upon the Directors to so require.

To select one or more banks to act as depositories for the fun ds of the District and to determine the manner of receiving , depositing and disbursing the funds of the District in the form checks, and the person by whom the same shall be signed on behalf of the Chairman, with the power to change such bank or person signing such checks and the form thereof at will.

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Provided, however, that the original Board shall consist of owners of land located in the District. The Directors elected at the time of the incorporation of the District shall be elected for staggered terms of one, two, and three years, and shall serve until the expiration of the term for which they were elected as shown by the minutes of the original meeting of the landowners, and until their successors are elected and have qualified. At each annual meeting of the participating members the participating members shall elect for a term of three years the number of Directors whose terms of office have expired. **Nominations for Directors must be made in writing and submitted to the Chairman not less than 10 days prior to the annual meeting.**

Section 2. Immediately following the annual meeting of the participating members, the Board shall meet and shall elect a Chairman, Vice-Chairman, Secretary, and Treasurer, from among themselves, each of whom shall hold office until the next annual meeting and until the election and qualification of his/her success unless sooner removed by death, resignation or for cause. The office of the Secretary and Treasure may be held by one person.

Section 3. Any vacancy in the Board, other than from the expiration of a term of office, shall be filled by appointment by the remaining members of the Board. The disqualification of a Director as a participating member of the District or failure of any original Director to become a participating member within 30 days after subscription to Benefit Units are made available through action of the Board, shall operate to disqualify him/her as a Director and to create a vacancy in the office of the Director.

Section 4. A majority of the Board shall constitute a quorum at any meeting of the Board.

Section 5. Any Director of the District may be removed from office for cause by a vote of not less than 3/4th of the participating members of the District at any annual or special meeting called for that purpose. The Director shall be informed in writing of the charges preferred against him at least 10 days before such meeting, whether regular or special, and at the meeting shall have an opportunity to present witnesses and be heard in person in answer thereto. Officer of the Board may be removed for cause by vote of 2/3rds of the members of the Board, and employees and agents discharged or removed from office or employment at any time by action of the Board.

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**Section I. Definitions**:

The following definitions shall apply in the interpretation and enforcement of this policy:

1. Air gap separation means 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 overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.

2. Approved tester means a person designated by the District to administer this cross connection control regulation.

3. Authorized representative means any person designated by the District to administer this cross connection control regulation.

4. Auxiliary water supply means any water source or system, other than the District, that may be available in the building or premises. This does not include other KDHE permitted public water supply systems.

5. Backflow means the flow other than the intended direction of flow, of any foreign liquids, gases, used water or substances into the distribution system of a public water supply system.

6. Backflow prevention device means any device, method, or type of construction intended to prevent backflow into the public water supply system.

7. Consumer means any individual, firm, partnership, corporation, or agency or their authorized agent receiving water from the District.

8. Contamination means an introduction of any sewage, process fluids, chemicals, wastes or any other substance that would be objectionable. Contamination may be a threat to life or

health, or may cause an aesthetic deterioration, color, taste or odor.

9. Cross connection means any physical connection or arrangement between two (2) otherwise separate piping systems; one of which contains potable water of the public water supply system, and the second, water of unknown or questionable safety, or steam, gases, chemicals, or substances whereby there may be backflow from the second system to the public water system and an auxiliary water supply system.

10. Degree of hazard means an evaluation of the potential risk to public health and the adverse effect of the hazard upon anyone using the water

11. Health hazard means any condition, device, or practice in the public water supply system that could create or may create a danger

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to the health and well being of anyone using the water or allow contamination of the water.

12. Public water system means the water supply source, distribution system and appurtenances to the service meter operated as a public utility that supplies potable water to the consumers’ water systems.

13. Public water supply system means the public water system and the consumers’ water systems.

14. Consumer’s water system means the public water system and the consumers’ water systems.

15. Service connection means the terminal end of the service line from the public water system. If a meter is installed at the end of the service, then the service connections means the downstream end of the meter.

**Section II. Cross Connection Control General Policy**

**A.** Purpose. The purpose of this policy is:

1. To protect the public water supply system from

contamination.

2. To promote the elimination, containment, isolation, or control of cross connection between the public water supply system and non-potable water systems, plumbing fixtures, and industrial process systems or other systems which introduce or may introduce contaminants into the public water system of the consumer’s water system.

3. To provide for the maintenance of a continuing program of backflow prevention and cross connection control which will prevent the contamination of the public water system.

**B**. Application. This regulation shall apply to all consumers’ water systems. The District may also require cross connection control devices at the service connections of other KDHE permitted public water supply systems served by the District.

**C**. Intent. The District will reasonably interpret this policy. It is the intent of the District to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard. If, in the judgment of the District or its authorized representative, backflow prevention or cross connection control is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumers shall immediately comply by providing the required protection at their own expense. Failure or refusal or inability on the part of the consumer to provide such protection shall constitute grounds for the discontinuation of water service to the premises until such protection has been provided.

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Benefit Unit Certificates shall be issued by the Board, signed by the Chairman and Secretary, showing name of owner, and tract of land to which the Benefit Unit is assigned, numbered consecutively in the order in which issued.

Section 3. The consideration for benefit units shall be considered donation to the District and shall not be refunded to subscribers, provided that the Board may authorize the refund of all or a part of each consideration, if through no fault of the subscriber the District is unable to supply water to the unit.

Section 4. Benefit Units shall follow the title of the land unless the owner of the land designates otherwise. Owners may transfer Benefit Units from one tract of land to another tract owned by them within the District, subject however, to the approval of the Board. No transfer in ownership of Benefit Units shall be permitted without the approval of the Board. No transfer will be approved unless all charges against the Benefit Unit are paid. All transfers when approved shall be recorded in the books of the District.

Section 5. Each Benefit Unit shall entitle the owner to not exceed one line from the District’s water system. Each line shall serve not to exceed one residence or business establishment together with the necessary and usual outbuilding.

Section 6. Failure to pay the minimum monthly meter charge or failure to pay for water used through a meter, shall constitute a forfeiture of the benefit unit on behalf of which failure occurs: provided, that such benefit unit shall be reinstated if within three months after such failure all back charges are paid full, plus 10 percent interest and reasonable labor charges necessary to effect such reconnection: provided, further, that the board may permit such reinstatement within six months after such failure upon payment of all back charges, plus 10 percent interest and reasonable labor charges necessary to effect such reconnection.

**ARTICLE 7**

**Election of Directors**

Section 1. The Board of this District shall consist of five (5) members, all of whom shall be participating members of the

District:

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Participating members shall be:

1. Owners of land located within the District who have subscribed to one or more Benefit Units: Provided, payments of charges are current on at least one of the Benefit Units.

**ARTICLE 6**

**Benefit Units**

Section 1. The Board shall at the proper time cause a declaration of availability of Benefit Units for subscription to be entered in its minutes and shall establish a unit price for said subscriptions. Each Benefit Unit shall carry with it the obligation of paying a minimum monthly meter charge from the time service is available. The Board in its discretion may from time to time, if the capacity of the District’s facilities permit, make additional Benefit Units available. Subscriptions for Benefit Units shall be given preference and priority in order in which received. The Board may refuse the subscription for a Benefit Unit in favor of a particular tract of land located within the District, or impose special conditions on granting the same if in the judgment of the Board, the granting of said subscription and the furnishing of water pursuant thereto, would impair the service to other water users in that locality or be uneconomical, unfeasible and place an undue burden on the District. Any landowner who feels himself aggrieved by such denial, or imposition of special conditions, may appeal from the action of the Board to a vote of the members at the next regular meeting of the members, or special meeting of the members called for such purpose: Provided, the decision of the Board shall stand, unless 3/4ths of all participating members (or landowners at meetings where only qualification to vote is ownership of land within the District), vote in favor of a motion to overrule the decision of the Board.

Section 2. Upon the purchase of Benefit Units, the owners of land shall designate the tract of land to which the Benefit Units shall be assigned, and the Benefit Units shall not be transferred from one tract of land to another within the District, without the approval of the Board. The owner of lands subscribing for more than one Benefit Unit to be assigned to one tract of land shall at the time of said subscription designate as nearly as practical the location on said tract where he intends to utilize said Benefit Units and no major change in location shall be made without the approval of the Board.

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**Section III. Cross Connections Prohibited**

**A**. No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the District or its authorized representative.

**B**. No physical cross connection shall be permitted between a public water supply system and an auxiliary water supply system.

**Section IV. Survey and Investigations**

**A.** The consumer’s premises shall be open at all reasonable times to the District or its authorized representative for the conduction of surveys and investigations of water use practices within the consumer’s premises to determine whether there are actual or potential cross connections in the consumer’s water system.

**B.** On request by the District or its authorized representative, the consumer shall furnish requested information on water use practices within his premises and in the consumer’s water system.

**C**. On request by the District or its authorized representative, the consumer shall conduct periodic surveys of water use practices on the premises of the consumer’s water system to determine whether there are actual or potential cross connections. The consumer shall provide the survey results to the District or its authorized representative.

**Section V. Where Protection is Required**

**A**. An approved backflow prevention device shall be installed on each service line to a consumer’s water system serving the premises where, in the judgment of the District or its authorized representative of the KDHE, an actual or potential risk of contamination from backflow exists. The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public water supply system.

**B.** An approved air gap separation or reduced pressure principle backflow prevention devise shall be installed at the service connection or within any premises where, in the judgment of the District or its authorized representative or the KDHE, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present a health hazard or contamination of the public water

supply system from a cross connection. This includes but is not limited to the following situations:

1. Premises having internal plumbing arrangements that make it impractical to ascertain whether or not cross connections exist.

2. Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at

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sufficiently short notice to assure the cross connections do not exist.

3. Premises having a repeated history of cross connections being established or re-established.

4. Premises, which due to the nature of the enterprise therein, are subject to recurring modifications or expansion.

5. Premises on which any substance is handled under pressure so as to permit entry into the public water supply system, or where a cross connection could reasonably be expected to occur. This shall not include the handling of process waters and cooling waters.

6. Premises where toxic or hazardous material are handled.

**C.** The following types of facilities fall into one or more of the categories where an approved air gap separation or reduced pressure principle backflow prevention device may be required by the District or its authorized representative or the KDHE to protect the public water supply and must be installed at these facilities unless al hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the District or its authorized representative and the KDHE:

1. Agricultural chemical facilities

2. Boilers

3. Bulk water loading facilities

4. Car washing facilities

5. Chemical manufacturing, processing, compounding or treatment plants

6. Chill water systems

7. Cooling towers

8. Fire protection systems

9. Hazardous waste storage and disposal sites

10. Hospitals, mortuaries, clinics or others as discovered by sanitary surveys

11. Feed lots

12. Irrigation and sprinkler systems

13. Laundries and dry cleaning

14. Meat processing facilities

15. Metal manufacturing, cleaning, processing and fabricating plants

16. Oil and gas production, refining, storage or transmission properties

17. Plating plants

18. Power plants

19. Sewage and storm drainage facilities, pumping stations and treatment plants

20. Veterinary clinics

21. And any other facilities deemed to be hazardous or potentially hazardous to the public water supply by the district or its authorized representative or the KDHE

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1. To establish rates and impose charges for water furnished to participating members and others.
2. To enter into contracts for the purpose of accomplishing the purposes of the District with any person or governmental agency.
3. To cooperate with any person or with any governmental agency in any undertaking designed to further the purposes of the District.
4. To do and perform any and all acts necessary or desirable for the accomplishment of the purposes of the District which may lawfully be done by such district under laws of the State of Kansas.

**ARTICLE 4**

**Water Users**

Section 1. Water shall be supplied only to land located within the District provided, however, that the Board may make water available to the public for purchase at such distribution points as it may establish.

Section 2. No owner of land located within the District shall be eligible to become a water subscriber unless he has first subscribed and paid for one or more Benefit Units. Tenants occupying land located within the District may become water subscribers: Provided that the owner, or someone on behalf of the owner, has subscribed and paid for one or more Benefit Units in favor of the land the tenant is occupying.

**ARTICLE 5**

**Right to Vote**

Section 1. Only participating members shall have the right to vote, and each participating member shall be entitled to a single vote, regardless of the number of Benefit Units to which he may have subscribed: There shall be no proxy voting, and no dual ownership of Benefit Units for voting purposes. A participating member may be an individual, firm, partnership, association, or corporation.

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**RURAL WATER DISTRICT NO. 1**

**JACKSON COUNTY, KANSAS**

[**jcrwd1@live.com**](mailto:jcrwd1@live.com)

**BY-LAWS**

**ARTICLE 1**

**Name and Place of Business**

Section 1. The name of this corporation shall be Rural Water District No. 1 Jackson County, Kansas.

Section 2. The principal office of this District shall be located in Jackson County, Kansas.

**ARTICLE 2**

**Corporate Powers**

Section 1. The corporate powers of this District shall be vested in the Board of Directors, hereinafter referred to as the Board.

**ARTICLE 3**

**Purpose and Objectives**

Section 1. The purpose and objectives of this District are as follows:

1. To acquire water and water rights and to build and acquire pipe lines and other facilities, and to operate the same for the purpose of furnishing water for domestic, garden, livestock and other purposes to owners and occupants of land located within the District, and others as authorized by these By-Laws.
2. To borrow money from any Federal or State agency, or from any other source, and to secure said loans by mortgaging or pledging all of the physical assets and revenue and income of the district, including easements and rights-of-way.
3. To hold such real and personal property as may come into its possession by will, gift, purchase, or otherwise, as authorized by law, and to acquire and dispose of such real and personal property, including rights-of-way and easements, wherever located, and as may be necessary and convenient for the proper conduct and operation of the business of the District.

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**Section VI. Backflow Prevention Devices**

**A.** Any backflow prevention device required by this regulation shall be of a model construction approved by the District or it authorized

representative and the KDHE.

1. Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.

2. Double check valve assemblies or reduced pressure principle backflow prevention devices shall appear on the current list of approved back flow prevention devices established by the KDHE, unless the device was installed at the time this regulation was passed and complies with required inspection and maintenance.

**Section VII. Installation**

**A**. Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the District or its authorized agent. All devices shall be installed at the expense of the water consumer, unless the District or it authorized representative agrees otherwise.

**B.** Backflow prevention devices installed at the service connection shall be located on the consumer’s side of the water meter, as close

to the meter as is reasonably practical, and prior to any other connection.

**C.** Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturers’ recommendations.

**Section VIII. Inspection and Maintenance**

**A**. The consumer is required by this regulation to inspect, test, and overhaul backflow prevention devices in accordance with the following schedule or more often as determined by the District or its authorized representative.

1. Air gap separations shall be inspected at time of installation and at least monthly.

2. Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every thirty months.

3. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every thirty months.

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**B**. Inspections, tests, and overhauls of backflow prevention devices shall be made at the expense of the consumer and shall be performed by an approved tester.

**C.** Whenever backflow prevention devices are required by this policy are found to be defective, they shall be repaired or replaced without delay at the expense of the consumer.

**D**. The consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of al tests, inspections, and repairs. All records of inspections, tests, repairs, and overhauls shall be provided within 30 days to the District or its authorized representative.

**E**. All backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the District or it authorized representative.

**Section IX. Violation and Penalties**

**A**. The District or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested, and maintained in a manner acceptable to the District or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.

**B**. Water service to such premises shall not be restored until the consumer is in compliance with this cross connection regulation to the satisfaction of the District or its authorized representative.

**Section X. Approved Devices**

**A**. The following devices are recognized for cross connection control and backflow prevention by the KDHE.

1. Air Gap: Gap must be two pipe diameters (in no instance less than one inch). Must be inspected monthly. Satisfactory for any material. Whenever practical the control method of choice.

2. Reduced Pressure Principle Backflow Preventer: Contains two specifically designed, soft seated, independently acting check valves with a reduced pressure zone (with relief valve) between the two checks. Shut off valves before and after the device. Satisfactory for most toxic materials. Significant pressure loss (10 psi or more). Must be tested and inspected annually.

3. Double Check Valve Assembly: Contains two soft-seated independently acting check valves in series. Shut off valves before and after device. Adequate for non-toxic applications only. Minor pressure loss. Must be inspected and tested annually. Repaired as necessary.

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4. Pressure Vacuum Breaker: Must be installed a minimum of 12 inches above the highest point of usage. No backpressure, only back siphonage. Can operate under constant pressure. Shut off valve can be located beyond the vacuum breaker. Must be inspected and tested annually. Repaired as necessary.

5. Atmospheric Vacuum Breaker: Must be installed a minimum of 6 inches above the highest point of usage. No backpressure, only back siphonage. Not for use under constant pressure. Shut off valves must be located ahead of vacuum breaker. Must be inspected annually and repaired as necessary.

**Policy for District for installation of single spring loaded check valve backflow prevention device**.

1. The District as part of every original water meter installation and every existing water meter replacement will install a single spring loaded check valve. The check valve will be installed in the meter box on the consumer’s side of the meter.

2. This policy for installation of a single check valve shall not apply to a consumer’s water system serving premises where, in the judgment of the District or its authorized representative or the KDHE, an actual or potential risk on contamination from backflow exists. In such cases, only the consumer in conformity with the foregoing “Regulation For Backflow Prevention and Cross Connection Control” as authorized by the District shall utilize approved backflow prevention and cross connection control device.

3. The consumer shall not alter, modify, damage or remove the single spring loaded check valve installed by the District, or permit the same to be altered, modified, damaged, or removed. Violation of this regulation shall constitute grounds for discontinuation of water service to consumer and consumer’s premises until the District at the consumer’s expense, which expense shall be added to consumer’s water bill, has installed a new check valve.

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