



WATER DISTRICT No. 7 JOHNSON COUNTY, KANSAS

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RURAL WATER DISTRICT NO. 7 JOHNSON COUNTY, KANSAS

WATER SERVICE USE POLICY

This Water Service Use Policy is adopted by the Board of Directors of Rural Water District No. 7, Johnson County, Kansas this ___ day of _____, 20____, in accordance with Article 6, Section 5 of the District's By-Laws. This Policy is adopted to establish guidelines for the right of water service to a consumer based upon the purchase of a benefit unit for a property that may involve multiple users of water, or extended use to non-residential outbuildings.

The intent of the policy is to allow flexibility for rural and suburban property uses while ensuring the efficient administration of district resources and protection from unauthorized extensions that can endanger the safety of the water supply system.

Standard Residential Uses

At no time shall two (2) or more residential structures be served by one benefit unit, unless allowed by this policy. Single family dwellings together with necessary and usual outbuildings shall constitute a standard residential use. These units shall only provide service to one residential structure on the property and shall not provide service to any other residential structure on the property or another structure that could be deemed to be a residential structure, even on a temporary basis. If a separate and additional structure on a single-family property contains a business, such that absent the residential structure, the property would be treated as a business unit, provision of service shall only be allowed by application to the District Board, under such conditions as it may direct. In no instance may a standard benefit unit be used to service any activities related to the production of oil, natural gas, or similar products.

A standard residential use includes a home occupation, if the same complies with all County zoning ordinances or other local laws and is contained within the residence of the benefit unit holder.

When a business is separate from a residence and is clearly a secondary and incidental use to such residence, or where a farming operation is conducted in conjunction with a residence, such business use and residence may be served by one (1) benefit unit, however, additional monthly minimum charges can be imposed in the discretion of the District. If a subscriber seeks service for a separate building in which there is more than one business operating separately, such a benefit unit will be treated the same as a structure containing three or more living units. In the event the benefit unit holder wishes to meter each separate operating business, such meters shall be the responsibility of the benefit unit holder.

Any failure to comply with these provisions or any agreement with the District shall be cause for termination of the secondary use, without notice or hearing. In addition, if two or more residential structures are served by a single benefit unit in violation of these rules, the owner thereof shall be required to either discontinue one of the uses or purchase a separate benefit unit for the second use. In the discretion of the District, the benefit unit fee and any related charges may be paid on a prorated, monthly basis, over a five-year period. Until such time as the entirety of the benefit unit fee is paid for the second use, no benefit unit certificate shall issue, nor shall the owner have any rights under the additional benefit unit. Nor shall the owner have the right to transfer any benefit unit, or right under any agreement to the benefit unit, on the second residential structure to any other party, without the agreement of the District and the provision for the payment in full of the remainder of any benefit unit fee still owing.

Service to Duplexes

Each of the two living units contained in a duplex shall be served by its own separate Benefit Unit, regardless of unified property ownership, or status as a rental property. In the event, however, that the Board of Directors determines, in its sole discretion, that operational, administrative, or business considerations warrant, the Board may direct that both living units in a duplex may be served by one benefit unit. However, rates and charges for this arrangement may vary from those of a single benefit unit holder.

Service to Structures Containing Three or More Living Units

Except as set forth in this paragraph, all living units contained in a structure with three or more living units shall be served by one and the same Benefit Unit. In that event, the Benefit Unit serving the structure shall be owned by the homeowners' association or similar entity of which the owners of the living units are members. In the event, however, that the Board of Directors determines, in its sole discretion, that operational, administrative, or business considerations warrant, the Board may direct that each living unit in such structure shall be served by its own separate Benefit Unit. Factors which may be used by the Board in exercising such discretion shall include, but not be limited to; 1) whether the structure's living units and/or their owners are subject to the regulations of a homeowners' association or similar entity; 2) the legal form of ownership of any such entity; and 3) the operational, business and administrative issues that such form of ownership presents.

Service to all living units contained in a structure with three or more living units shall be provided through a meter and related equipment of a size and type that the Board of Directors determines, in its sole discretion, is appropriate for such service in each particular instance. The owner of the corresponding Benefit Unit shall pay the District's standard fees for such meter and related equipment.

Owners of Benefit Units serving structures with three or more living units shall sign a Water User's Agreement with the District that specifically applies to such structures. Such Agreement will provide that living units contained within such structures will not be separately metered unless permission to do so is received from the District's Board. Further, such Agreement shall provide that in the event water service is provided through a single meter and such service is terminated for the Benefit Unit serving structures covered in this section, water service will be terminated for all living units contained in such structures.