



WATER DISTRICT No. 7 JOHNSON COUNTY, KANSAS

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WATER SERVICE USE POLICY

Adopted October 11, 2022

This Water Service Use Policy is adopted by the Board of Directors of Rural Water District No. 7, Johnson County, Kansas this 11th day of October, 2022, in accordance with Article 6, Section 5 of the District's By-Laws. This Policy is adopted to establish guidelines for the use of water 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 and Allowed Exceptions

- 1. General Rule:** As established by the By-laws, 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.
- 2. Exceptions for Limited or Temporary Use:** A water user with a benefit unit can serve a separate residential structure on a limited or temporary basis if the structure is used for care of an elderly or disabled family member, if so approved either as a conditional use or as an accessory dwelling unit by the appropriate zoning authority. This shall not include use as a rental property, rooming house, or transient dwelling.
- 3. Exception for Accessory Dwelling Units:** Johnson County allows for certain Accessory Dwelling Units (ADU's) in Rural and Residential Districts. If the same is approved by the County, the benefit unit owner may present the approval as an ADU to the District and the same will be considered an authorized use.
- 4. Exception Business Uses/Home Occupation:** 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.

Notice of Use of Exception, Change of Ownership or Subdivision of Land; Additional Charges and Penalties

A benefit unit holder will give the District notice of the use of any of the above exceptions and shall supply the District with a copy of any zoning permits or other necessary permits obtained in line with the proposed use. Upon the sale of any property, the revocation of any permit or the subdivision of the property by the benefit unit holder, the benefit unit holder shall give additional notice to the District of the change in circumstances.

The District reserves the right to examine all connections on the property to ensure that the use does not violate district rules on backflow or cross-connection of systems and to confirm compliance with any other District rules.

Failure to supply notice or allow access may result in a benefit unit forfeiture.

The District reserves the right to assess additional monthly minimum charges upon any Accessory Dwelling use or Business/Home Occupation use.

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.

ADOPTED by the Board of Directors of Rural Water District No. 7, Johnson County, Kansas, the day and year set forth above.



Stephen J. Hines, Chairman

Attest: 

Dennis Carlson, Secretary