

# SKY-HI DOMESTIC WATER IMPROVEMENT DISTRICT

**The Sky-Hi Domestic Water Improvement District was formed pursuant to Arizona Revised Statutes Section 48-901 et seq. It is a political subdivision of Navajo County, and is governed by an elected five member board of directors.**

## DISTRICT RULES AND REGULATIONS

### ARTICLE I

#### GENERAL CONDITIONS GOVERNING WATER CONNECTIONS, GUARANTEE DEPOSITS AND USE

##### Section 1 Functions of the Sky-Hi Domestic Water Improvement District Board of Directors

It shall be the duty of the Sky-Hi Domestic Water Improvement District Board of Directors to control and manage all matters pertaining to the water system of the Sky-Hi Domestic Water Improvement District in conformity with all applicable federal, state, county, local laws, and these regulations, and all resolutions of the Sky-Hi Domestic Water Improvement District, Navajo County, Arizona. The Board shall have general supervision over the District's water system, all real, and personal property connected with the water system, and any contractors or employees of the District.

##### Section 2 Conditions for connections made to District water system

All connections to the system will be made by District personnel only. All connections shall be made in compliance with any specifications adopted by the District and the current edition of the Uniform Plumbing Code and subject to inspection by the District, its agents or assigns at the time of connection. A water connection shall be deemed to have occurred when there has been a connection to a water line of the District or tributary line, regardless of the terminus of said connection. It shall be unlawful for any person to connect to the water line or lines of any portion of the District's water system. No connection will be made until the person has first made proper application to connect to the water system, has paid all required fees, and the application has been approved by the District.

No service application will be approved until Residential building permits have been approved and issued. Water service will not be initiated until main residence construction has commenced.

##### Section 3 Consumer Applications for Service

- A. The consumer will make application for service, in person or by first-class mail to the District at its office, and submit all monies due in accordance with the Rate Schedule. Only the property owner may apply for services in his own name and shall be responsible for payment of all charges incurred in connection with the service furnished.
- B. The District may reject any application for service when, and so long as, the applicant is delinquent in the payment of bills incurred for service previously supplied by the District at any location or under a previous name.

#### Section 4 Guarantee Deposits

- A. A refundable guarantee deposit shall be made in accordance with the Rate Schedule.
- B. When services are permanently discontinued and all bills are paid, the deposit will be refunded. Where the District finds that the request for a refund of guarantee deposit is questionable, the District may require the applicant to produce the deposit receipt properly endorsed before granting a refund.
- C. Upon discontinuance of service for the non-payment of bills, the deposit may be applied by the District only toward the final settlement of the account; however, the District does not waive the right to exert any claim it may have for a delinquency against any person or customer.

#### Section 5 Installation of Meters

The District requires a meter be installed at the property line, or at the District's option, on the consumer's property, or in a location mutually agreed upon. If the meter is to be located on the consumer's property, the District retains the right to cross such property in order to repair, replace or service and/or read the meter. Only authorized District personnel may tap the water main and set the meter. At the time of meter installation, the District will also install a stop and waste valve for the customer's use. This valve becomes the customer's property and not a part of the water delivery apparatus.

#### Section 6 Construction Specifications

All mains and distribution lines to be constructed shall comply with and conform to the current Uniform Plumbing Code and all applicable rules and regulations of the Arizona Department of Environmental Quality in effect at the time of construction.

#### Section 7 Access to premises

Duly authorized agents of the District shall have access, at all reasonable hours, to the premises of the consumer for the purpose of inspecting, installing, repairing or removing District property, or for any other purpose in connection with the District's service and facilities.

#### Section 8 Ownership and maintenance of water delivery apparatus

All water system and delivery apparatus, including meters and valves are the property of the District, and shall be maintained and operated by authorized District personnel only. In the event of a true emergency this requirement may be waived. All persons presently on the District water system must have a stop valve on the service connection to their property. District personnel will install said valves on properties where none exist, at customer's expense.

## ARTICLE II

### FEEES, CHARGES, ACCOUNTING AND REPORTING

#### Section 1 Rate Schedule

The District shall maintain a Rate Schedule that ensures the availability of necessary funds to operate and effect repairs to the facility and establish cash reserves for capital improvements. All fees, deposits, charges and penalties will be as set forth in the aforementioned Rate Schedule.

## Section 2 Billing and Collecting

- A. Customer's meters will be read during the last eight (8) days of each month.
- B. Bills for water use will be computed in accordance with the Rate Schedule. However, during inclement weather the reading of meters may be suspended and an estimated bill issued.
- C. Bills will be rendered approximately the first of each month, the District may however, vary the dates or lengths of the billing period if necessary.
- D. Bills are due ten (10) days thereafter, and become delinquent if not paid by due date. At this time a second bill will be sent to all unpaid accounts. This billing will include a "Ten Day Disconnect Notice" and accrue a late payment fee as prescribed by the Rate Schedule. At this time all bills must be paid in full, including late payment fees, or service will be disconnected without any further notice to the customer, unless arrangements, prior to delinquency, have been made with the Administrator. If customer does not adhere to those arrangements, service will be terminated immediately, without further notice.
- E. Failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the consumer of his obligations to pay such bills.
- F. If consumers believe their bill to be in error they shall present their claim to the District Office, in writing, before the bill becomes delinquent.
- G. Partial payments may be received by District; however that will not stop an account from becoming delinquent, and subject to disconnection.
- H. Service that is disconnected for delinquency of bills will be restored, only after all due bills are paid in full, including penalties, late fees, guarantee re-deposit, and service charges in accordance with the District Rate Schedule.
- I. If service is to be established at the same location for a consumer, or for any member of such consumer's household, who has ordered a service disconnection within the preceding twelve month period, a non-refundable charge as prescribed by the Rate Schedule will be required as a precondition to the re-establishment of such service.

## Section 3 Connection Fees

The connection fees to be paid by a Consumer for the establishment of a new service shall be in accordance with the Rate Schedule. These charges may be charged by the District in the same manner as water rates pursuant to Arizona Revised Statutes. Charge for service commences when the service is established, whether water is used or not.

## Section 4 Capacity Charge

- A. For purposes of calculating the Capacity Charge an equivalent dwelling unit (EDU) shall be defined as:  

Single family residence;	one EDU for each unit as defined by Uniform Plumbing Code
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- B. Any property owner who wishes to connect improvements shall submit plans and specifications to the District and pay a Capacity Charge for each equivalent dwelling unit or portion thereof, in accordance with the Rate Schedule.
- C. Capacity Charges are payable prior to receiving a building permit, applying for a change in zoning or any other step necessary for the development of the property, and to defray any and all costs of increasing the capacity of the District's water lines, wells and other appurtenant facilities. No Capacity Charges shall be refunded to a property owner due to a change in the use of the property resulting in a decrease in the number of Equivalent Dwelling Units.

- D. In determining the amount of water to be utilized by any hookups, the District shall only consider the number of Equivalent Dwelling Units (EDU's) within the improvement. The determination of the amount of water which may be utilized by any hookup shall be made by the District whose determination shall be deemed conclusive. In making its determination, the District shall examine the plans and specifications submitted by any property owner and calculate them from the EDU's. The number of EDU's for a proposed development shall be calculated using the values shown in Paragraph A of this section. In the event that any property owner alters the plans for development thereby increasing or decreasing the number of EDU's, approval for said alteration must be obtained from the District before the alteration may be made.
- E. The District shall cooperate with Navajo County in reviewing and monitoring building permits for alterations to existing structures to determine any changes in the number of EDU's connected to the District water lines from a parcel of property.
- F. Any person who proposes to develop property for any purpose in a density greater than one dwelling unit per existing subdivided lot shall submit preliminary plans of the proposed improvement for review by the District. Said plans shall include the location of the property and a schedule of the amount and kind of dwelling units, if any, and the number of water lines and their respective sizes to be constructed in the proposed development. If the District determines that the development will utilize water in excess of the design capacity of the water lines adjacent to the proposed development or that it will require a disproportionate percentage of the remaining capacity of the water line at the point where the development will connect to these lines, the developer shall pay the District the cost of additional water line capacity or, with the District's approval, shall construct a new water line that shall connect to the District's system at a point where the system has the design capacity to handle the additional demand attributable to the proposed development and shall pay the applicable charge therefor. Payment therefore must be made at the time of issuing the connection permit. To determine whether the developer must pay for additional line capacity, the District may consider the following factors:
- 1) The amount of water utilized by the proposed development.
  - 2) The capacity of the District water lines at the point of connection.
  - 3) The existence of other property which may potentially connect into the water lines and the potential water demand if that property were developed.
  - 4) The most reasonable and economic method for the District to manage water flows with respect to the actual connections and potential connections of the other property in the vicinity of the proposed development.

Any person desiring to increase the number of equivalent dwelling units or change the use of the property which contains improvements existing on the date of the adoption of these Rules and Regulations or thereafter, shall submit to the District at the time of applying for a connection or if the property is already connected at the time of changing the use the following information:

- 1) The size and location of the parcel of property owned.
- 2) The number of current equivalent dwelling units.
- 3) The proposed changes.
- 4) Preliminary and final plans for the development of the property.

The District shall calculate the increase in the number of equivalent dwelling units directly attributable to the change in use and the applicant shall pay any necessary Capacity Charge including a charge for additional water line size if applicable, as set forth in this Article as a condition of receiving a connection permit or continuing to be connected to the water lines.

#### Section 5 Change of Ownership

Not less than three days notice must be given, in writing, to the District to discontinue service or to change ownership:

- 1) The outgoing owner shall be responsible for all water consumed up to the time of actual departure or the time specified for departure whichever is the longest.
- 2) Responsibility for unpaid bills will remain with the lot being served, even if the property is sold. Water will not be turned on at that meter until all past due balances are cleared.

### ARTICLE III

#### RESPONSIBILITIES AND LIABILITIES

##### Section 1 The District's responsibilities and liabilities

- A. The District does not assume the responsibility of inspecting the consumer's piping or apparatus and will not be responsible therefor.
- B. The District reserves the right to refuse service unless the consumer's lines or piping are installed in such manner as to prevent cross connections or backflow.
- C. Under normal conditions, the consumer will be notified of any anticipated interruption of service.
- D. 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.
- E. Pursuant to the request of a consumer, a District representative will make a service call to the consumer's residence. There will be no charge to the consumer for such a service call if the problem necessitating the service call is found to be the District's responsibility pursuant to these Rules and Regulations. There will be a charge however if the reason for the complaint is the Consumer's responsibility. The charges will be in accordance with the Rate Schedule and added to the next bill.

##### Section 2 The Consumer's responsibilities and liabilities

- A. Piping on the consumer's premises must be so arranged that the connections are conveniently located with respect to the District's lines or main.
- B. If the consumer's piping on the consumer's premises is so arranged that the District is called upon to provide an additional service, each additional service to the consumer's property will be considered as a separate and individual account.
- C. The consumer's piping and apparatus shall be installed and maintained by the consumer, at the consumer's expense, in a safe and efficient manner and in accordance with the District's Rules and Regulations and in full compliance with the regulations of the Arizona Department of Environmental Quality and the Uniform Plumbing Code.

- D. The consumer shall safeguard the District's property placed on the consumer's premises and shall permit access to it only by the authorized representatives of the District. Except in the event of an emergency, no consumer shall, or direct another person to, initiate or discontinue water service from the District's valve designated to provide service to any consumer.
- E. The amount of such loss or damage, or the cost of repairs, will be added to the consumer's bill and if not paid, service will be discontinued by the District.
- F. Water furnished by the District shall be used by the consumer, members of his household, guests, tenants, and employee's only. The consumer shall not sell water to any other person or permit any other person to use the water. During a critical water condition, as determined by the District or a public agency, consumers shall use water only for those purposes specified by the District. Disregard for this rule shall be sufficient cause for refusal or discontinuance of service.
- G. The District may discontinue its service without notice for the following additional reasons:
  - 1) To prevent or eliminate fraud or abuse.
  - 2) The consumer's willful disregard of or refusal to comply with these Rules and Regulations or such special rules as may be adopted by the District.
  - 3) Emergency repairs.
  - 4) Insufficient water supply.
  - 5) Legal processes.
  - 6) By direction of public authorities.
  - 7) Strike, riot, fire, flood, accident or any unavoidable cause.
  - 8) Unauthorized connections.
  - 9) The District may suspend the service or refuse service to any consumer who tampers with the property of the District.

ARTICLE IV  
EASEMENTS

All property owners requesting to connect improvements on their property to the District's water system or any developer of more than one lot seeking a connection improvement to the water system shall grant to the District all easements required by the District to provide water service to, across, or on the property for which the connection is being sought. Any party not granting such required easements will not be granted a connection by the District.

Existing customers must grant easements to the District from the customer's property line to the water meter, unless the customer presents good cause in writing against it. Previously installed meters may be moved by the District, at its discretion, in order to locate or relocate all meters on the property line.

ARTICLE V

GENERAL

**Section 1** Variation

Variation from the terms and conditions of these rules and regulations shall be permitted only upon the verified application of an affected party to the District Board of Directors, setting forth the circumstances whereby the public interest requires such variation, and upon the issuance of a special order by the District. The District may require an application for such variation to be presented in a public hearing

**Section 2** Legality

If any section, paragraph, subdivision, sentence, clause or phrase, of these Rules and Regulations shall for any reason be held illegal or unenforceable, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Board of Directors of the Sky-Hi Domestic Water Improvement District hereby declares that each and every section, paragraph, subdivision, sentence, clause or phrase of these Rules and Regulations may be held illegal, invalid, or unenforceable

**Section 3** Enforcement

The District hereby authorizes its attorneys, agents, and employees to take all steps necessary to enforce these Rules and Regulations.

ARTICLE VI

NEW DEVELOPMENTS

**Section 1** Submission of Plans

All property owners or developers desiring to connect newly constructed improvements to the District water facilities must submit plans for review by the District. The cost of reviewing plans shall be paid out of the deposit paid by the property owner or developer. All plans should be submitted to the Arizona Department of Environmental Quality prior to submitting plans to the District. The District shall not review any plans that were not first approved by the Arizona Department of Environmental Quality unless there is sufficient evidence supplied by the property owner or developer demonstrating that District approval of the plans is necessary to obtain an Unconditional Agreement to Provide Water Service from the District. In such event, the District shall review the plans and will approve the plans subject to no changes to the plans following their review by the Arizona Department of Environmental Quality. If such changes do occur in the plans following Arizona Department of Environmental Quality review, the District reserves the right to review the plans.

**Section 2** Development Deposits

All property owners or developers desiring to connect newly constructed improvements to the District water facilities shall deposit with the District at the time of submitting plans for District's review, cash or check drawn on an Arizona bank, in an amount sufficient to pay for the following:

1. Review of the plans by the District.
2. Inspection of the newly constructed improvements.

The amounts necessary to cover these costs will be determined by the District at the time plans are submitted for the District review and are due and payable at that time.

Following the actual review of the plans, and the inspection, of the water lines constructed the actual cost of such review and inspection will be deducted from the Development Deposit and the surplus, if any, shall be refunded to the person posting the deposit within ten (10) days from the determination of the surplus. In the event the actual cost of review of the plans and inspection of the water lines constructed exceeds the amount of the Development Deposit, the person posting the deposit shall pay the District in cash or check drawn on an Arizona bank, the amount due in excess of the deposit. Such amount is payable to the District on demand by the District.

**Section 3** Inspection

All water lines and other appurtenant facilities shall be inspected by a District representative prior to permitting completion of any connection to the District water facilities. Such inspection shall occur prior to pressure testing any line with District water.

All monies owed to the District, including but not limited to legal fees and developmental deposits, shall be paid to the District in full, prior to connection to the District water facilities and prior to the completion of the inspection of the water lines.

**These Rules and Regulations approved and adopted by Resolution 02-06, dated August 7, 2006.**



# **District Rules and Regulations**

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