

**REGULATIONS OF WATER AND SEWER USE**

**OF THE**

**RAFTER J IMPROVEMENT AND SERVICE DISTRICT**

**February 15, 2005**  
**(with amendments through December 15, 2009)**

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**OF THE**  
**RAFTER J IMPROVEMENT AND SERVICE DISTRICT**

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REGULATIONS OF WATER AND SEWER USE  
OF THE  
RAFTER J IMPROVEMENT AND SERVICE DISTRICT

These Regulations of Water and Sewer Use supplement the Rules and Regulations of the Rafter J Improvement and Service District to provide for management and operation of the water and sewer systems of the Rafter J Improvement and Service District and will serve a public use and are necessary to promote the health, safety, and general welfare of the inhabitants of the District.

The District water system supplies the inhabitants thereof with potable domestic water together with associated uses, such as fire protection, and which is to be conserved from waste.

The District sewer collection system provides for the collection of water contaminated by biodegradable wastes and is not for receiving floodwaters, surface drainages, industrial process waters, nor discharge of water from above ground or underground sources.

The Board of Directors of the Rafter J Improvement and Service District adopt the following Regulations:

ARTICLE I  
DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this resolution shall be as follows:

- 1.1 Board shall mean the Board of Directors of the District.
- 1.2 Connection Permit shall mean written permission of the Board to connect to a water or sewer line of the District, and pursuant to the Regulations of the District.
- 1.3 Connection fee shall mean a charge for connecting a type of use to the District's facilities.
- 1.4 Curb stop shall mean a District approved shut-off valve installed in the water lines connecting the District water main to the Premises of the User.
- 1.5 District shall mean the Rafter J Improvement and Service District.
- 1.6 District sewer main shall mean the sewer lines that are the property of the District and are not Sewer service lines.
- 1.7 District water main shall mean the water lines that are the property of the District and are not Water service lines.
- 1.8 Premises shall mean any and all areas on a User's property which are served or have the potential to be served by the District water and sewer systems.

1.9 Sewer shall mean a pipe or conduit that carries wastewater.

1.10 Sewer lines shall mean all piping within the District that provide sewer service to Users, including both District sewer mains and Sewer service lines.

1.11 Sewer service line shall mean the piping including all connections, connecting the District sewer main to the Premises of the User.

1.12 Systems Manager shall mean the individual responsible for the operation and maintenance of District water and sewer systems, or his authorized deputy, agent, or representative.

1.13 Town shall mean the Town of Jackson.

1.14 User shall mean the owner of property that is supplied with water or sewer service by the District and any lessees or tenants thereof.

1.15 Waste Water Treatment Plant shall mean the Town facilities that process sewer wastewater prior to discharge to the environment.

1.16 Water lines shall mean all piping within the District that deliver water to Users, including both District water mains and Water service lines.

1.17 Water service line shall mean the water line from the Curb Stop to the Premises of the User; provided, however, that if the Curb Stop is located outside of the District water main easement, Water service line shall mean the water line, including all connections, connecting the District water main to the Premises of the User.

1.18 Sewer Cleanout shall mean an access to a Sewer Service Line that is not less than four inches in diameter.

## ARTICLE II CONTROL OF WATER AND SEWER SYSTEMS

2.1 Water System. The District shall have exclusive control and management of the water system belonging to the District, and shall have exclusive management and control of the supply and distribution of water to all Users within and outside the District limits and shall from time to time make such rules and regulations as are necessary for the complete management, control, distribution, and supplying of water to the Users. The District may from time to time direct any construction of such works, placing of mains, water lines, and fire hydrants as the necessity of the District may require. The usage charge and the water system service charges may be changed from time to time by resolution of the Board.

2.2 Sewer System. The District shall have exclusive control and management of the sewer collection system belonging to the District, and shall from time to time make such rules and regulations as are necessary for the complete management and control of the District sewer system. The District may from time to time direct any construction of such works, placing of mains, and sewer lines, as the necessity of the District may require.

2.3 Wastewater Treatment Plant. The Town controls and manages Town sewer mains and the Town Wastewater Treatment Plant. Wastewater discharged by the District sewer collection system may be subject to Town regulations that may address, but not be limited to, wastewater quality, volume and treatment costs.

### ARTICLE III CONNECTION TO DISTRICT FACILITIES

3.1 Connection Permit. No unauthorized person(s) shall uncover, make any connections with or opening into, use, enlarge their use, alter, or disturb any District sewer main, District water main, or appurtenance thereof without first obtaining a written Connection Permit from the District.

3.2 Application for Connection Permit. The User or his agent shall make application for a Connection Permit on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the District. The District shall establish a reasonable fee for review of a permit application, which fee shall be paid to the District at the time the application is filed. Any Permit may be revoked if the installation or use of a water or sewer service line is not made in accordance with the Permit, these Regulations, or any prescribed specification of the District or its engineer or any regulation of the Board. The applicant for any Permit required herein shall have the burden of proving to the District that the applicant complies with the requirements of District rules and regulations.

3.3 Connections Allowed Under Permit. Not more than one (1) connection to the water or sewer mains shall be allowed under each Permit. A Permit shall be limited to one (1) unit or building. No combination of permits shall be allowed, and each water and sewer permit is separate from any other permit. A new Permit shall be required for any increase in use or change in use, including payment of additional connection fees. In the event of any increase in use and the failure to pay the additional connection fees assessed or to notify the District of the change, the User shall be subject to additional assessments and shall pay the Connection Fee applicable at the time that the District is ultimately paid rather than the one at the time that it accrued, together with interest at eighteen percent (18%) per annum, attorney's fees, and other reasonable costs of collection.

Connections shall utilize existing water or sewer lines to the property. In the event there are no water or sewer service lines to the property, the User shall be responsible for installing new water or sewer lines to the District water main or District sewer main and extending District water and sewer mains as necessary. The District will only accept ownership of a water and sewer main so extended if (a) the extension has been properly permitted with the District, (b) upon inspection by the District, the extension is found to comply with District standards, and (c) all necessary easements are granted and accepted by the District. The User is responsible for procuring any additional easements required for any water line or sewer line extension required to serve the User.

3.4 Responsibility Under Permit. A connection permit shall allow only necessary trenching within District roads, performed in accordance to specifications and rules established

by the District. No Permit issued by the District shall be taken as authority for the making of any cut in a public road or street, or in lieu of any permit required by any other regulatory body.

3.5 Costs and Expenses. All costs and expenses incidental to the installation and connection of the sewer service line to District sewer main, or water service line to the District water main shall be borne by the User, including repair to any road or street. The District shall impose an additional road restoration fee for any required trenching in a street that has been resurfaced within five (5) years from the connection date. The fee shall be determined by the District based on current road construction and life cycle costs. All connection and road restoration fees shall be paid prior to making any connection. The User shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation or connection. The User shall pay all costs for installing the water and sewer service lines, and for properly abandoning any existing water and sewer lines that will not be utilized.

3.6 Existing Sewer and Water Service Lines. Existing sewer and water service lines shall be used in connection with new buildings provided they are found, upon examination and testing, to meet all requirements of the District. When such lines fail to meet all requirements of the District, the User shall replace such lines with new lines, including all necessary fittings, valves and curb stops. Inadequate water and sewer lines shall be properly abandoned by User as required by the District prior to placing any new water or sewer line in service.

3.7 Conformity with Codes and Rules and Regulations. The size, slope, alignment, materials of construction of all water and sewer lines, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the most current International Building and Plumbing Codes and/or other applicable rules and regulations of the District and the State of Wyoming.

3.8 Elevation of Sewer. Whenever possible, the sewer service line shall be brought to the building at an elevation below the first habitable floor. In all buildings in which any building drain is too low to permit gravity flow to the District sewer, sewage carried by such sewer service line shall be lifted at User's expense by an approved means and discharged to the District sewer main.

3.9 Connection to a Sewer or Drain. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a District sewer main.

3.10 Connection of Sewer. The connection of a sewer service line into the District sewer shall conform to the requirements of the rules and regulations and specifications of the District. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the District before installation.

3.11 Inspection of Sewer and Water Service Lines.

a. The User or his agent for the Connection Permit shall notify the District when the sewer service line or water service line is ready for inspection and connection to the District



sewer or District water main. The connection and testing shall be observed by the District or its representative.

b. The regulations of the preceding paragraph shall also apply to the main water and sewer lines of a development within the District containing more than one building site as regards connection of such lines to the District water and sewer mains, and also for connection of service lines to a main line of the development.

c. Subsequent to compliance with the preceding regulations, no water shall be used from any development main water line or any water service line to any building site until such new lines have been pressure-tested, disinfected, and tested negative for bacteria. All testing costs are the User's responsibility.

3.12 Excavations for Sewer or Water Installation. Any excavations for sewer or water installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District and all persons or agencies having jurisdiction over the same.

3.13 Assessment. All applicants issued a Connection Permit shall be assessed a Connection Fee as established by the District. At the discretion of the District, a portion, or all of the Connection Fee, shall be due prior to issuance of the Connection Permit.

3.14 Use Changes. Upon changes in the use of building or other facilities already connected to the District's facilities, an additional Connection Fee may be due and payable forthwith according to rate classifications established by the District.

3.15 Curb Stops and Sewer Cleanouts.

a. Unless otherwise specified by agreement of the District, all Curb Stops located within District water main easements shall be owned by the District; any Curb Stop located outside of a District water main easement shall be owned by the User whose Premises are served by the Curb Stop. Where a Curb Stop is owned by the User, authorized employees of the District shall be allowed reasonable access to the Premises of the User for the purpose of controlling the supply of water to the Premises.

b. Every Sewer Service Line shall have Sewer Cleanouts located exterior to and within six feet from the foundation of the Premises of the User, and at intervals of not more than 100 lineal feet therefrom, and shall be located in a readily accessible location.

3.16 Repair of any Sewer or Water Line. All excavation, trenching, pavement cutting, pipe bedding, compacting, patching, repairing, restoration, and backfilling, or other disturbance of the surface caused by the construction, inspection, maintenance, repair of any sewer or water line, or its appurtenance, shall be subject to inspection and shall be in conformity with the standards of the District, the Rafter J Ranch Homeowners Association, or that Declaration of Covenants, Conditions and Restriction Rafter J Ranch Subdivision and any subsequent compilations thereof and amendments thereto, or the requirements of any holder of the easement in which a sewer and water line is situated.

3.17 Usages of Water for Construction.

a. Metered water may be used during construction for ordinary construction purposes. Metered water drawn for such purposes must be from outlets equipped with District-approved backflow preventers, and only after acceptance of such water lines as specified in preceding regulations. The meters installed for use during construction shall be approved by the District. The District may charge a reasonable base fee per meter per month, plus the established rate for water use.

b. No unmetered yard hydrants or other water fixtures may be installed within the District prior to, during, or after construction.

c. No water shall be used prior to, during, or after construction for landscape irrigation, or any commercial or domestic purposes until a water meter has been properly installed and approved by representatives of the District.

ARTICLE IV  
USE OF THE DISTRICT SEWER AND WATER SYSTEMS

4.1 Discharge Matters. No person(s) shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any District sewer.

4.2 Water and Wastes not Allowed for Discharge. No person(s) shall discharge or cause to be discharged to any District sewer any waters containing toxic or poisonous solids, liquids, or gases, or which constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the Wastewater Treatment Plant.

4.3 Shortage of Water. Whenever there is a shortage of water or other emergency, the Board shall have the power to regulate and curtail water usage.

4.4 Claims for Damage. No claim for damages shall be made against the District by reason of the following: damage to water heaters, boilers, appliances, or other personal property resulting from shutting water off, or turning it on, or inadequate or sporadic pressures; damage caused by water escaping from open or defective faucets; or damage caused by defective water or sewer lines, appurtenances, or other facilities not owned by the District.

4.5 Damage to Water or Sewer System. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, make any connection without permit, or tamper with any structure, appurtenance, or equipment of the water or sewer system, including fire hydrants.

4.6 Fire Hydrants. It is the express policy of the District that fire hydrants are for emergency use only by emergency personnel. No other connections shall be made to District fire hydrants without first obtaining a Permit from the District.

4.7 Sewer and Water Service Lines and Appurtenances.

a. All Water and Sewer service Lines, pipes, fittings, fixtures, and appurtenances connected to the District water and sewer systems shall conform to District standards relating to

the number, location, size and strength of pipes and the number, location, size and type of valves, as to provide for District's control over the water or sewer supply to the Premises. Water service lines shall be buried below frostline and at least six (6) feet below the ground surface. Sewer service lines shall be installed with a minimum of four (4) feet of cover. Additional cover and/or insulation may be required at the specific locations in order to avoid potential freezing or crushing of service lines.

b. The maintenance, protection and replacement of Water and Sewer Service Lines, and other privately owned pipes, fittings, fixtures and water-using appliances, is the exclusive responsibility of the User thereof, unless otherwise specified in District rules and regulations. The District is not responsible or liable for damage from any cause whatsoever to such service line, piping, fixtures, and water-using appliances, and no User is entitled to reimbursement for damages or payment of refunds by reason of pressure changes or stoppage of the flow of water through the water system. The protection of water-using devices and systems which require limited or sustained water pressure or a continual water supply is the responsibility of the User thereof, and he shall provide suitable protective devices for such apparatus at his own expense.

c. The District shall be given reasonable access to any Premises for the purpose of inspecting and testing any service line, pipe, valve or appurtenance connected to the District water and sewer systems. Any District employee or authorized representative seeking access to any Premises may be required to show proper identification by the User of the Premises before being admitted onto the Premises.

d. Upon the discovery by the District that a service line or appurtenance does not conform to District standards, or finds a leak in any service line, the User shall replace or repair such line or appurtenance within seventy-two (72) hours of notification of such condition by the District, or the District may either (1) shut off the water to the Premises until the condition is remedied by the User, or (2) replace or repair the service line and bill the User for the resulting costs if the District is unable to shut off water to a faulty water service line without also shutting off the water of other Users, or if the faulty line threatens the health or safety of the public, or the integrity of the District water or sewer systems, and the threat cannot be eliminated by merely shutting off the water.

4.8 Galvanized Steel Water Service Lines Prohibited. Without limiting any of the provisions of the foregoing paragraph 4.7, the use of galvanized steel piping for water service lines is hereby prohibited, and any such lines discovered by the District shall be replaced pursuant to the foregoing paragraph 4.7(d).

4.9 Authorization by District Before Disconnection of Water or Sewer Service. No water or sewer service line connected with the District mains shall be disconnected therefrom without the authorization of the District, who shall specify as to how the line shall be disconnected.

4.10 Water Conservation and Bleeding of Water. It shall be the District's policy to minimize water wastage. All new service lines shall be installed so that bleeding of water is not necessary to prevent freezing. Bleeding or leakage of water to prevent freezing is not permitted and shall be cause for disconnection of service and/or installation of an additional water meter unless specifically authorized in writing by the District. The District may assess additional service fees for anyone who bleeds lines.

ARTICLE V  
WATER METERS AND BACKFLOW PREVENTERS

5.1 Meters and Irrigation Backflow Preventers Required. All Users connected to the District water system shall be required to install water meters within three (3) years from the passage date of these Regulations. All irrigation systems shall have a separate backflow preventer to protect the water supply. The purposes are to (1) set Users fees to reflect actual water use, and (2) prevent contamination of water supply. Water meters shall conform to the most current International Building and Plumbing Codes and/or other applicable rules and regulations of the District and the State of Wyoming. Water meters shall have a radio frequency readout conforming to District specifications. The District may determine that certain building or water use applications shall require a certified hazard classification in order to determine the need for and the type of backflow preventers and required testing and inspection intervals. User shall reimburse District for costs to perform any required certified hazard classification. Users may be required by the District to install non-irrigation related backflow preventers to prevent potential contamination of the District water supply, which shall be installed at the User's sole cost and expense.

5.2 Ownership of Meters and Backflow Preventers, and Related Equipment. Water meters or radio-read units supplied to Users by the District shall be owned by the District, whereas any backflow preventers. Expansion tanks and other related equipment shall be owned by the User unless required by law to be owned by the District.

5.3 Location and Installation. Except as otherwise provided herein, all water meters installed upon any Premises served by the District shall be located and installed inside the boundary line of the Premises and in the basement, crawlspace, utility room or other accessible frost-proof area or building on the Premises. A representative from the District shall recommend the location and method of installing such meters, backflow preventers and expansion tanks, and the District shall not be responsible or liable for damages resulting from the location and installation of such devices. The property owner will also agree to protect and hold the District harmless from claims for such damages if the installation is performed by the District and done in a proper manner.

5.4 Maintenance and Repairs. The User shall perform normal maintenance of meters, backflow preventers and expansion tanks to ensure proper performance. Any cost of repairs, testing, or replacement of any meter, backflow preventer, or expansion tank shall be borne by the User. Water meter battery replacement is the User's responsibility.

5.5 User to repair, relocate, etc., pipes and fixtures where necessary for meter operation. The User, at his own expense and in a manner satisfactory to the District, will be required to maintain, repair, replace, reconstruct, or relocate the water pipes and plumbing fixtures so that all water furnished to and used within the boundaries of the property passes through and is measured and recorded by the meter.

5.6 Inspections. Backflow preventers where required shall require certified inspection and testing at intervals required by the District or other regulating agencies. User shall provide testing and inspection documentation to the District within five (5) days of performing any test.

District shall have the right to shut off the water to any User that fails to perform the backflow preventer inspection and testing within the intervals required and/or fails to provide the District with the required certification documentation. User shall be responsible for all testing and inspection costs required. Water meters, backflow preventers and expansion tanks are subject to inspection by the District. When inspections are made on the demand of the User for water shutoff or otherwise, the District may assess a reasonable charge for each inspection of each meter and/or backflow preventer.

**5.7 Periodic reading and record of water consumption – Failure of District to read not to affect payment obligations of User.** Once installation of water meters is complete and the Board elects to begin reading water meters, water meters shall be read at intervals determined by the District and a proper record of the water consumption through such meter kept by the District, in permanent form, but failure of the District to read such meters shall not be deemed to be a waiver upon the part of the District of any obligations of payment upon the part of the owner or occupant of such Premises. If a meter is not read for any reason, the water billing for that period may be based upon an estimate by the District and the billing shall be adjusted at the time of the next meter reading.

**5.8 Right of entry for purposes of installation, reading, inspecting, testing, etc.— Failure to allow entry.** Employees or agents of the District shall have the right to enter upon and return from the Premises upon which a water meter and/or backflow preventer are located or required at any time during reasonable working hours, for the purpose of installing, reading, inspecting, testing, repairing, adjusting, relocating, removing, or replacing such meter or backflow preventer. In the event such entry is refused or in the event such owner or occupant does not contact the District and arrange to allow employees or agents of the District to enter upon and return from such Premises within ten days after written request to make such entry, the District shall have the right to shut off the water to such property without further notice to the User.

**5.9 Defacing, tampering with, injuring, etc. – Estimated charges for months when meter fails to register correctly.**

a. It is unlawful for any person to deface, injure, loosen, take apart or otherwise tamper with any water meter, to adjust or to attempt to adjust the same to reduce the reading thereof, to conduct water around such meter, or to attempt in any other manner whatsoever to interfere with the correct reading by such meter or remote reader of the total amount of water furnished the Premises where such meter and remote reader are installed.

b. If, in the opinion of the Board, any meter has been tampered with, the quantity of water delivered during the month such meter or remote reader failed to register correctly by reason of such tampering, or for which no reading was obtained, shall be determined by the District by using an average of the previous three (3) years water usage for the same period to determine normal billing, or if such records are not available, by a good faith estimate of the District, which shall be charged to the User. The District may also impose a penalty charge not to exceed \$5000.00 against any User for tampering with a water meter. Upon repetition of such offense, the District may, at its option, stop the delivery of water to the Premises of the User.

ARTICLE VI  
RATES AND CHARGES

6.1 Schedule of Rates. The rates, fees, and charges for connection to and utilization of the services provided by the District as established the Board pursuant to Rule 2.2 of the Rules and Regulations of the Rafter J Improvement and Service District shall be published on a Rate Schedule and shall be distributed to Users.

6.2 Change of Fees in Rate Schedule. The Board may, at its discretion, increase or decrease the connection and incremental connection fee, and other charges and fees as it deems necessary for the best interest of District, provided such fees are uniform for properties in the same classification. However, the Board may establish different connection and incremental connection fees, for properties classified by type or quantity of use. The Board may review at any time the adopted Rate Schedule; however, the Board shall review the total annual cost of operation, maintenance and replacement on an annual basis and will revise the service fees as necessary to assure equity of service fees established herein and to assure sufficient funds are obtained to adequately operate and maintain the water and sewer system.

ARTICLE VII  
POWERS AND AUTHORITY OF INSPECTORS

7.1 Entrance on Properties. The Systems Manager and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to operation of the District water and sewer systems in accordance with the provisions of these Regulations.

7.2 Entrance on Private and Public Properties. The Systems Manager and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private and public properties through which the District holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, construction, repair, and maintenance of any portion of the facilities lying within said easement.

ARTICLE VIII  
ENFORCEMENT

8.1 Disconnection. Service to any User may be disconnected for any of the following reasons:

- a. For the violation of any provision of any rules and regulations of the District;
- b. For misrepresentation in application as to property or fixtures to be supplied, or the use to be made of the water or sewer system;
- c. For the use of water or sewer on any property or for the purpose other than that described in the application;
- d. Under flat rate service, for adding to the property or fixtures, or for changing the use to be made of the water or sewer system without notice to and the consent of the District; or
- e. Nonpayment of water and/or sewer bills.

8.2 Violation of Rules and Regulations. Any person violating any of the provisions of the rules and regulations of the District shall become liable to the Board of Directors of the District for any expense, loss, or damage occasioned by reason of such violation. In collection of such expense, the Board shall be entitled to all costs of collection including interest at eighteen percent (18%) per year from date of accrual and attorneys fees. Any person found to be violating any of the provisions of these Regulations except for nonpayment of service fees shall be mailed a written notice stating the nature of the violation and providing a reasonable time not to exceed thirty (30) days for satisfactory correcting of the violation.

8.3 Injunctive Action. These Regulations shall be enforceable by the District by injunctive action in addition to all other legal remedies.

#### ARTICLE IX AMENDMENTS

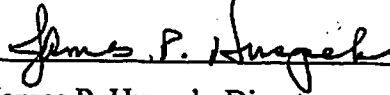
9.1 Amendments. These Regulations may be altered, amended, or repealed pursuant to the Rule 10 of the Rules and Regulations of the Rafter J Improvement and Service District and in accordance with the Wyoming Administrative Procedures Act.

#### ARTICLE X VALIDITY

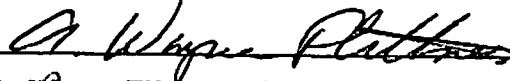
10.1 Invalid or Unenforceable. If any section, subsection, paragraph, clause, or other provision of these Regulations shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or other provision shall not affect any of the remaining provisions.

Passed and adopted by the Rafter J Improvement and Service District Board of Directors, Teton County, State of Wyoming, on the 15<sup>th</sup> of February, 2005, amended on the 13<sup>th</sup> day of September, 2005, and amended on this 15<sup>th</sup> of December, 2009.

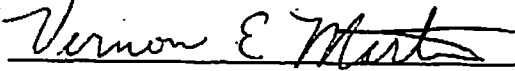
RAFTER J IMPROVEMENT AND SERVICE DISTRICT,  
a Wyoming Improvement and Service District



James P. Huspek, Director



A. Wayne Flittner, Director



Vernon E. Martin, Director