

41-00360

PLEASANT HOME  
WATER DISTRICT

Gresham, Oregon

Rules and Regulations

For Water Service

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Adopted by the Board of Directors

March 1993

ORDINANCE

(1993-1)

AN ORDINANCE AMENDING THE RULES AND REGULATIONS OF THE PLEASANT HOME WATER DISTRICT RELATING TO OWNERSHIP OF SYSTEM, JURISDICTION AND OPERATION, RESPONSIBILITY AND LIABILITY OF THE DISTRICT, USE OF WATER, FURNISHING WATER, WATER SERVICE/APPLICATION AND METERS, INSTALLATION/SERVICE CONNECTIONS, TEMPORARY SERVICE, OUTSIDE USER SERVICE, CONTRACTS/SPECIAL SERVICE, DEPOSITS AND ESTABLISHMENT OF CREDIT, DISCONTINUANCE OF SERVICE OR CHANGE OF OCCUPANCY AND DELINQUENCIES, METER READING AND BILLING, PAYMENTS FOR SERVICE, LEAKAGE WITHIN PREMISES/DAMAGES THERETO, CROSS-CONNECTION OR PHYSICAL CONNECTIONS WITH OTHER WATER SUPPLIES OR SYSTEMS, MAINTENANCE REPAIR AND TESTING OF METERS, SERVICE INTERRUPTIONS, PRESSURE REGULATION, WATER FACILITIES IN GENERAL AND MAIN EXTENSIONS, WATER MAIN EXTENSION - COST REFUND, WATER RATES AND CHARGES, COMPLAINTS AND SPECIAL REQUESTS, REVISION AND MODIFICATION OF RULES REGULATIONS AND CHARGES, AND ANNEXATION, AMENDING RULES AND REGULATIONS OF 1947 AND DECLARING AN EMERGENCY.

THE PLEASANT HOME WATER DISTRICT ORDAINS AS FOLLOWS:

THE FOLLOWING RULES AND REGULATIONS OF THE PLEASANT HOME WATER DISTRICT ARE AMENDED TO READ AS FOLLOWS:

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RULES AND REGULATIONS  
OF THE  
PLEASANT HOME WATER DISTRICT

1. DEFINITIONS:

"District" shall mean the Pleasant Home Water District.

"Board" shall mean the Board of Directors of the Pleasant Home Water District, which is the District's governing and controlling body.

"Customer" shall mean any person granted water service by the District.

"Customer line" shall mean the pipe, valves and fittings leading from the water meter into the premises served.

"Dwelling" shall mean premises occupied or intended to be occupied by one "family" living unit.

"Main" or "Water Main" shall mean the pipe in the street, alley, right-of-way or easement owned and maintained by the District for the purpose of distributing water to customers and servicing fire hydrants.

"Meter" shall mean a device for measuring the flow of water to a particular water service.

"Person" shall mean and include any natural person, firm, partnership, association or corporation.

"Premise" shall mean any building, structure, improvement or parcel of land which may now or at some future time receive water service from the District.

"Service Area" shall mean that area included within the corporate limits of the Pleasant Home Water District and such other contiguous or neighboring territory as the Board shall, from time to time, determine to serve.

"Service Line" or "Service Connection" shall mean the pipe, valve, stops and fittings from a main to and including the meter and meter box.

"Superintendent" shall mean the one charged by the Board of Directors with the responsibility of directing the overall operation of the District.

"System" shall mean all or any part of the water system owned and operated by the District and shall include all service lines to and including all meters.

"Vault" shall mean an enclosure used to protect meters, valves or similar devices.

## 2. OWNERSHIP OF SYSTEM

The water system is owned by the District and, in turn, by the people residing therein. None of the properties of the District may be disposed of without approval of the Board. The District is a municipal corporation, whose primary purpose is to supply water within the confines of the District or without, in the manner approved by the Board and in accordance with applicable law.

## 3. JURISDICTION AND OPERATION

The entire system, including all mains, service lines, meters, reservoirs, pumping stations, treatment plants and all facilities and appurtenances shall be operated only by authorized employees and personnel of the District.

No unauthorized person shall connect to any main or service of the system or interfere with the operation of any of the facilities whatsoever, or turn on or off any meter or service or operate any valves or fire hydrants; provided, however, that members of regularly constituted Fire Departments shall be permitted to connect and use fire hydrants for the express purpose of fighting fires, or testing in accordance with such procedures as the District shall establish and use consistent therewith.

## 4. RESPONSIBILITY AND LIABILITY OF THE DISTRICT

The District shall maintain and repair its mains, service lines, meters, structures, facilities and all appurtenances so as to keep them in repair and operative condition at all times insofar as practical and reasonable.

The District shall not be liable for damages or otherwise responsible because of interruptions or discontinuance of water service or variations in water pressures. District customers are encouraged to equip their personal water systems with backflow valves or pressure regulation devices so as to prevent damage thereto in the event of pressure changes or service interruptions within the District's system.

The Board shall have the right in cases of inadequate supply or shortages of water, to determine how water from the system may be used, and may establish regulations limiting water use.

The District may give preference to those uses determined to be in the best interests of the public health, well-being or necessity, and shall give highest priority to household use which shall not include irrigation of lawns or fields.

Entry upon premises - by making application for water service or by using water service supplied by the District, every applicant, customer or user does thereby grant and give the District, its duly authorized agents and employees, the right to enter upon the concerned premises to which water is furnished at all reasonable times for the purpose of inspection for compliance with these Rules and Regulations.

#### 5. USE OF WATER

The District shall furnish water for ordinary domestic, household, business and community use, and for such sprinkling, irrigation, industrial, commercial and firefighting purposes as the system can reasonably supply and as may be approved by the Board.

Limitation on the use of water as to hours, purpose or manner may be prescribed from time to time by the Board.

Resale of water purchased from the District by a customer may only be permitted by special contract with the District, which shall be in writing and specify the appropriate condition therefor.

#### 6. FURNISHING WATER

The District shall not be obligated to furnish and install system facilities for all properties and premises within the District. The District shall, so far as reasonable and practicable and within its financial means, provide adequate source of supply, necessary primary feeder mains, storage facilities and other improvements to make water service generally available to all areas within the District; main extensions and other facilities to furnish water to areas and premises, undeveloped or not, not now being furnished water from the system, shall normally be at the expense of those persons requesting such services and shall be made only by the District, or its duly authorized agent or by those with express written authorization and permission of the Board under such terms and conditions as the Board shall require.

## 7. WATER SERVICE / APPLICATION OF METERS

Application for water service shall be made in writing by the owner of the premises to be served, or the owner's duly authorized agent, on regular application forms furnished by the District. No service shall be rendered until the application is approved and required payment has been made.

All applications shall include the signature of applicant, the location of the premises for which the service is requested, the address to which all bills shall be sent, and such additional data as the District from time to time may require. District personnel shall regard as confidential, additional information furnished by an applicant at the District's request; provided, however, the District shall in no way be responsible for its use of said information, which shall be at its discretion. Failure to supply such information when requested shall be deemed sufficient cause to deny the application.

Applications for service shall be considered merely as a request for service and they shall not bind the District or Board to provide such services. Charges made for installation of water service shall be paid in full and in advance of installation by the District.

Water service shall be provided only from District mains to property abutting such mains and to dwellings and other structures and premises fronting on thoroughfares with sufficient frontage on the same to provide for appropriate service from such thoroughfares, if the same be required or desired.

So-called "spider connections" which would provide service from one road or street to premises abutting or dwellings fronting on another road or street, shall not be permitted. Each dwelling or building or premises shall be provided with its own water service connection and meter. No person shall furnish water to any other building, property or premises without written approval of the Board being first obtained, and then only in accordance with the specific terms of any such authorization which might be granted.

Service connection shall be made in accordance with District specifications relating to size, material and location. The service pipe from the main to the meter as well as the meter, meter box, and appurtenances shall be the property of the District and not the person owning the premises or paying for the installation.



## 8. INSTALLATION / SERVICE CONNECTIONS

Service connections shall be not less than three-quarter inch and meters shall be first quality, together with such fittings, connections, meter box, shut-off valve, etc., as the District may from time to time require.

When, in the judgment of District personnel, unusual conditions exist which require greater attention, extra fittings, meter boxes, vaults or other safeguards to assure adequate volume and pressure of water to an individual service and/or to minimize repair and maintenance problems inherent in the installation, the District may require the applicant to meet the cost of such additional fittings, meter vaults or other safeguards at customary District charges which will be charged to the applicant and be in addition to the usual meter and service installation charges and considered a part thereof.

Persons requesting large service connections for fire protection or other services may be required to pay for an equitable portion of the cost of water mains needed to supply the required flow. Each such case shall be considered separately on its merits and the circumstances applying to the case.

## 9. TEMPORARY SERVICE

Applications for temporary service shall be made in writing on forms furnished by the District. Applicants shall pay the established charge for installation of the service connections plus any additional charge that may be required by the District for the removal of the service following the termination of such temporary use.

Temporary service shall be continued at the sole discretion of the Board of Directors of the District and may be terminated at any time upon 30 days written notice to the owner or occupant of the premises so served. Temporary service shall impart no special privilege or provide any vested right to water service within the District to the premise receiving the same, and shall not under any circumstances, alleviate said premise and/or occupant or owner thereof, as the case may be, from being required to pay proper or proportionate share of any charges incurred for line or main extensions, or assessments otherwise rendered for the provision of permanent service or facilities for permanent service to the area of concern.

## 10. OUTSIDE USER SERVICE

Service to persons and property outside the boundaries of the District shall be discretionary in the Board at all times. Water provided to outside users can only be made if the District has sufficient surplus water over and above its requirements with the District, and such service, if provided, may be discontinued at any time, if the interests and needs of the District so require. Any such service installation shall be required to meet and abide by all rules and regulations of the District with respect to installation, maintenance and service.

## 11. CONTRACTS / SPECIAL SERVICES

Premises for water service connected for water service as a result of application made and accepted by the District shall be considered as a contract in which the applicant agrees to abide by all rules and regulations as are in effect at the time of signing application and connection, or as may be adopted or modified thereafter by the Board, and to pay all bills promptly.

Whenever the applicant or user's requirements for water service are unusual, large, or subject to great fluctuation or variation, the District may require a special contract and may require reasonable security satisfactory to the District sufficient to protect the District against loss and to guarantee performance under the terms thereof.

All rules, regulations, rates and charges are subject to change or modification by the Board. All special contracts shall be in writing, signed by the proper person or customer and the Board.

## 12. DEPOSITS AND ESTABLISHMENT OF CREDIT

At the time a written application is made for water service, the applicant shall pay the District an amount sufficient to cover the cost of the installation in accordance with schedules established by the District. After such installation is made, the facilities shall be the property of the District, and the cost of installation shall not be refunded to the customer or owner of the premises served.

The District may in its discretion require an advance deposit for water service either for new services, new premises, or for turning on water at an inactive service if the credit of the applicant is unknown or has not been established, or for other good cause. Advance deposits for water so collected shall be applied to bills rendered until all of any such deposits shall have been used to pay for water supplied to the premises. Deposits or payments made to cover costs of new service installations shall not be considered such deposits as herein described.

### 13. DISCONTINUANCE OF SERVICE OR CHANGE OF OCCUPANCY AND DELINQUENCIES

A customer occupying premises served with water may have the water service to such premises temporarily or indefinitely terminated by giving the District written notice four days in advance of the effective termination date. Such user shall, upon giving such notice, pay all charges for services rendered to the date of such termination. Where water service has been discontinued at the request of a customer and the full charge paid, such service may be restored at the request of the user.

In the event prompt payment of water charges are not made by a customer or for water services furnished any premise, the District may shut off the water supplied to the dwelling, building, structure, or premises to which such water supply is furnished or services rendered in accordance with applicable District rules and regulations.

The failure of the District to discontinue water service for any reason, including the non-payment of water service due, unless so notified, shall not relieve the owner of the premises or customer from the obligation and duty to pay for all of said services, whether said owner or customer does or does not have knowledge of any delinquencies for water uses or charges.

The District shall not re-establish water service to premises where services have been disconnected involuntarily unless and until appropriate arrangements are made with the customer for the satisfaction of water charges due the District.

If, at the customer's request, a service is shut off and turned on more than once in a given month, a charge shall be made for such service as the Board shall from time to time determine.

The District, in complying with an owner's or customer's request to discontinue water service, shall under no circumstances, be responsible to said owner or customer or any other party for any damages resulting from such action, including civil damages.

#### 14. METER READING AND BILLING

Meters shall be read at regularly established intervals as determined by the District, and bills rendered based upon consumption to the nearest 100 cubic feet of water furnished.

For the purpose of making charges, all meters serving a customer's premises shall be billed separately, and readings shall not be combined unless such meters are installed in a battery at one location in accordance with the requirements of the District.

Separate meters shall be provided for each service unit or structure unless otherwise specifically approved in writing by the Board.

Bills for a portion of a billing period shall be prorated upon the actual days of use and under no circumstance shall a bill rendered be less than the billing period "minimum."

#### 15. PAYMENTS FOR SERVICE

All charges for water services furnished shall be due and payable on the date of billing and become delinquent on the tenth day thereafter. Charges shall, when applicable under appropriate Oregon law, become a lien upon the property served if not paid within thirty days after billing. Water service to premises and/or customers within the District may be discontinued when a billing delinquency exists.

Water service terminated or disconnected for lack of payment of bills due the District shall not be restored until all past due bills are paid, plus such other charges therefor as the Board shall determine proper from time to time, and as set forth in the District's "rate and service schedules," and this requirement shall not be avoided by change in user, customer or owner of said building or premise.

All payments shall be made to the Water District either by mail or at the office of the District, or such other places as the Board may from time to time designate for such purpose.

All delinquent water charges due the District by a customer or for services rendered any premise shall be, when appropriate under Oregon law, be deemed to be a lien against the real property of the owner of the premises and be subject to foreclosure in the manner provided by Oregon Revised Statutes and such rights shall be in addition to any and all other methods of law available to the District to collect such accounts or water charges.

#### 16. LEAKAGE WITHIN PREMISES / DAMAGES THERETO

The District shall not be liable for any damage or injury whatsoever for leaking or the running of water on the premises from pipelines, plumbing fixtures, open faucets, valves, fixtures and hoses beyond the District's service meters.

All leakage occuring beyond the meter installation shall be at the expense of the customer and they shall be responsible for the proper maintenance and repair of their own lines, stop and waste valves, gate valves, pressure regulators, plumbing fixtures, etc., within their own premises.

Customer shall install, maintain and repair all piping between meters and premises served in accordance with good engineering practice. Pipes must be laid not less than 24" deep and provide with stop and waste drainage; all standpipes or fittings of any kind must be so located, anchored and installed as not to interfere with or endanger the meter. All pipe must be well protected from freezing.

No person other than an employee of the District shall turn on or off any of the services or meters of the District. As previously indicated, customers desiring either discontinuance or restoration of service, a new or modified service, shall make arrangements therefor with the District's office.

All plumbing within buildings served by the District shall be so installed and all plumbing fixtures so constructed as to prevent pollution of water supply by back syphonage or cross-connections. Water service to any premises known or found to have such defects and hazards shall be disconnected and not restored until such defects and hazards have been eliminated.

#### 17. WATER SUPPLY CROSS CONNECTIONS:

Subsection A. Purpose and Scope. The purpose of these regulations is to protect the public health of water consumers by the control of actual and/or

potential cross-connections to customers.

Subsection B. Definitions.

1. Backflow. "Backflow" means the flow in the direction opposite to the normal flow caused by backsiphonage or back pressure. Backsiphonage is caused by negative or reduced pressure in the supply piping and back pressure occurs when the potable supply piping is connected to a system or fixture which exceeds the operating pressure of the supply piping.

2. Backflow Prevention Device Assembly. "Backflow prevention device assembly" means a backflow prevention device such as a pressure vacuum breaker, a double check valve or a reduced pressure principle device, and the attached shut off valves on the inlet and outlet ends of the device assembled as a complete unit.

3. Backflow Prevention Devices. "Backflow prevention devices" (type) means any approved device used to prevent backflow into a potable water system. The type of device used should be based on the degree of hazard either existing or potential.

4. Contamination. "Contamination" means the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

5. Cross-connection. "Cross-connection" means any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross-connections.

6. Division. "Division" means the Health Division of the Oregon Department of Human Resources.

7. Hazard, Degree of. "Degree of hazard" shall be derived from the evaluation of a health, system, plumbing, or pollutional hazard.

8. Hazard, Health. "Health hazard" means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

9. Hazard, Plumbing. "Plumbing hazard" means an internal or plumbing-type cross-connection in a consumer's potable water system that may be either

a polluttional or a contamination-type hazard. This includes, but is not limited to, cross-connections to toilets, sinks, lavatories, washtrays, domestic washing machines and lawn sprinkling systems. Plumbing-type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

10. Hazard, Polluttional. "Polluttional hazard" means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

11. Hazard, System. "System hazard" means an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system or of a pollution or contamination which would have a protected effect on the quality of the potable water in the system.

12. Health Division Officer. "Health division officer" means the Oregon Health Division Officer, or authorized agent.

13. Potable Water Supply. "Potable water supply" means any system of water supply intended or used for human consumption or other domestic use.

14. Superintendent. "Superintendent" means the Superintendent of the Pleasant Home Water District.

Subsection C. Cross-Connections.

The installation or maintenance of a cross-connection which will endanger the water quality of the potable water supply system of the district is unlawful and is prohibited. Any such cross-connection now existing or hereafter installed are declared to be a public hazard and the same shall be abated. The control or elimination of cross-connections shall be in accordance with this chapter and in compliance with the Oregon Administrative Rules 333-61-070. The superintendent shall have the authority to establish requirements more stringent than state regulations if he/she deem that the conditions so dictate. The superintendent may adopt rules and regulations as necessary to carry out the provisions of this ordinance.

Subsection D. Use of backflow prevention devices.

1. No water service connection to any premises shall be installed or maintained by the district unless the water supply is protected as required by state law and regulation and this ordinance.

Service of water to any premises shall be discontinued by the district if a backflow prevention device assembly required by these regulations is not installed, tested and maintained, or if it is found that a backflow prevention device assembly has been removed, bypassed, or if any unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

2. The customer's system shall be opened for inspection and tests at all reasonable times to authorized representatives of the district to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the superintendent shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and district regulations adopted pursuant thereto.

3. Backflow prevention device assemblies shall be installed at the service connection to premises where an approved airgap does not exist and:

a. There is an auxiliary water supply which is, or can be connected to the potable water piping;

b. There is piping for conveying liquids other than potable water, and where that piping is under pressure and is installed and operated in a manner which could cause a cross-connection;

c. There is intricate plumbing which makes it impractical to ascertain whether or not cross-connections exist;

d. There is backsiphonage potential;

e. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters;

f. Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a serious hazard might result;

Subsection E. Design, installation, maintenance and testing standards of protective devices.

The type of protective device required shall depend on the degree of hazard which exists:

1. An approved air gap of at least twice the inside diameter, but not less than one inch, of the incoming supply line measured vertically above the top rim of the vessel, or an approved reduced pressure backflow device (RPBD)



device assembly shall be installed where the substance which could backflow is hazardous to health, such as but not limited to; sewage treatment plants, sewage pumping stations, chemical manufacturing plants, plating plants, hospitals, mortuaries, car washes, medical clinics;

2. An approved double check valve assembly (DCVA) shall be installed where the substance which could backflow is objectionable but does not pose an unreasonable risk to health. An approved double check valve assembly shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or which does not provide for periodic flow through during each 24 hour period;

3. An approved pressure vacuum breaker or an atmospheric vacuum breaker shall be installed where the substance which could backflow is objectionable, but does not pose an unreasonable risk to health and where there is no possibility of back pressure in the downstream piping. A shut-off valve may be installed on the line downstream of a pressure vacuum breaker but shall not be installed downstream of an atmospheric breaker.

4. All backflow prevention device assemblies required under this section shall be of a type and model approved by the Division and the Division shall maintain a list of backflow prevention device assemblies approved for use in Oregon.

5. All device assemblies installed after the effective date of these rules shall meet the specifications of construction, testing and approval of backflow prevention assemblies as specified in Section 10, Manual of Cross-Connection Control, 8th Edition, June 1988. Published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California and AWWA Standard 506.

6. All backflow prevention device assemblies shall be installed in accordance with ORS 333-61-099 (1) through (4). Pressure Vacuum Breaker, Double Check Valve and Reduced Pressure Device Assemblies shall have resilient seated gate valves or fully ported ball valves provided by the device manufacturer for both shut-off valves and for the test cocks. Other valves shall not be substituted unless specific permission is given by the Division.

7. Backflow prevention device assemblies required by this ordinance shall be installed under the supervision, and with the approval, of the district.

8. Any protective device required by this ordinance shall be approved by the district.

9. These devices shall be furnished and installed by and at the expense of the water user.

10. Backflow prevention device assemblies installed before August 1, 1992 (date of adoption of OAR 333-61-070 ets eq), which were approved at the time they were installed but are not on the current list of approved device assemblies maintenance by the Division, shall be permitted to remain in service provided they are properly maintained, are commensurate with the degree of hazard, are tested at least annually, and perform satisfactorily. When devices of this type are moved, or require more than minimum maintenance or are on services that are modified, changed size or remodeled, they shall be replaced by device assemblies which are on the Division list of approved device assemblies.

11. The water user or the owner of the premises where one or more reduced pressure device assembly, double check valve assembly, or pressure vacuum breaker have been installed shall have the device tested at least once a year. Devices installed at facilities which pose an extreme health risk and devices which repeatedly fail shall be tested on a more frequent bases as determined by the district. Backflow prevention devices found not to be functioning properly shall be promptly repaired by the water user or owner of the device or the district may deny or discontinue service as provided in subsection (1) (b) of this rule. Devices shall be tested immediately after installation and after they are moved. Reports on the test shall be prepared by the certified tester and copies of the reports shall be provided to the water user or the owner of the premises and to the water supplier. The district shall prepare a summary of the tests performed and shall submit that summary once per calendar quarter to the Division. Tests shall be performed by certified testers in conformance with procedures established by the Foundation for Cross-Connection Control and Hydraulic Research, Manual of Cross-Connection Control, 8th Edition, June 1988, University of Southern California.

12. Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this chapter or by state law shall be grounds for the termination of water service to the premises.

13. Inspections shall be made at the discretion of the director of all buildings, structures, or improvements for the purpose of ascertaining whether cross-connections exists. Such inspections shall be made by the district.

Subsection F. Liability.

This ordinance shall not be construed to hold the district responsible for any damage to persons or property by reason of the inspection or testing herein, or the failure to inspect or test or by reason of approval of any cross-connections.

18. MAINTENANCE, REPAIR AND TESTING OF METERS

Normal maintenance and repair of meters shall be carried on by the District at its expense. Should a customer wish to have his meter tested, the District will make such tests, but should the meter so tested be found accurate within four percent (4%) of true delivery, the customer requesting such testing shall pay the cost thereof, provided however, that should such meter be found to under register in excess of four percent (4%), the District shall bear the cost thereof.

Charges made for meter testing shall be paid in advance, and deposit required for checking same shall be as shown in the District's rate schedules. The deposit shall be refunded if such meter testing be found to over register in excess of four percent (4%) of true flow.

Wherever a meter has been found to over register more than four percent (4%), an adjustment in reasonable amount may be made to the customer for past billings, but in no case shall such adjustment exceed a period of one year.

19. SERVICE INTERRUPTIONS

The District from time to time must interrupt service for repairing mains, making extensions, repairing valves, pumps, and control devices, etc., and for cleaning, maintaining and reconditioning reservoirs and storage tanks. The District shall not be responsible for any damages caused by such interruptions of service or fluctuations in pressure, but shall, whenever feasible to do so, give customers advance notice whenever it is known that service is to be interrupted for any appreciable length of time; however, failure to give such notice shall in no manner cause the District to become liable for loss or damage caused by service interruptions such as bursting of boilers, the breakage of any pipes or fixtures, stoppage or interruption of water supply, or any other damage resulting from the shutting off of water.

## 20. PRESSURE REGULATION

Insofar as is reasonably possible, feasible and economical for the District to do so, it will furnish water at desirable pressures. In locations in which service pressures are higher than needed or desired by users, customers shall install and maintain with their premises any pressure regulators required.

The District shall not be responsible for damages or difficulties experienced by reason or variations in pressure within the system.

## 21. WATER FACILITIES IN GENERAL AND MAIN EXTENSIONS

The District as a whole shall pay for the cost of supply, pumping stations, storage facilities and transmission (primary) mains which the District determines specifically for the general conveyance of water within the District, except in those cases where pumping, storage or other facilities are needed to serve a limited, local area, which shall be paid for by the person or persons requesting such extensions. The District shall not pay the cost of main extensions to service additional customers, properties, tracts, or subdivisions. Such extensions shall be paid for by the person or persons requesting such extensions. The cost for facilities shall be the actual cost plus twenty percent (20%) for overhead.

All such main extensions shall be made by the District or by a contractor approved by the District in accordance with appropriate District standards in accordance with pertinent requirements of the Oregon State Health Division for public community, municipal or public utility water supply systems. Engineering designs not prepared by the District shall be prepared by a professional engineer registered in Oregon and shall be submitted to the District for review in advance of any construction to determine that District standards and those of appropriate State agencies are being followed, and in such instances, such design shall be in accordance with appropriate District standards and requirements. All construction materials used shall be purchased or approved by the District and be of first quality and be consistent and fully compatible with the existing water system of the District so as to permit the District to apply uniform maintenance, repair and replacement thereof in due course.

The District shall determine the size of mains required. Fittings, valves, valve boxes and fire hydrants required shall be included in the cost of extensions. Extensions shall be made for the full frontage of the property to be served. Water main extensions for new subdivisions shall extend the

entire distance between opposite boundaries of the subdivision and shall be located within public rights-of-way unless the District determines it necessary to construct water lines on easements across private property, which determination shall be in the sole judgment of the District.

It shall be the responsibility of the person or persons requesting extension of the water main to pay the full cost of the distribution system, which is generally considered to be up to and including 12". The size of the main required by the District will be based upon the needs of the development being served, the type of the land uses and building types, fire protection needs and the integrity of the District water distribution system. The District may elect to install a main larger than that required for the distribution system at the time the extension is made. In such cases, the District will pay the additional cost of the larger transmission main.

When the person or persons requesting extension of water mains elects to have the District provide the engineering design and contract for construction of the water main extension, advance payment shall be made by the requesting parties. The District shall prepare a detailed estimate of cost and furnish the estimate cost to the applicant. The applicant shall make full payment of the estimated cost prior to any work being done on the main extension.

If the actual cost of the main extension exceeds the estimated cost, the applicant shall pay the excess cost to the District within 30 days after billing by the District. If the actual cost of the main extension is less than the estimated cost, the District shall refund the difference to the applicant within 30 days after determination of actual cost.

When the person or persons requesting extension of water mains elects to have their own engineer design the water main extension and their own contractor install the water main extension, the District will prepare an estimate of costs for plan review, construction inspection, as-constructed drawings, map updates, and other District expenses related to the main extension. The applicant shall make full payment of the estimated cost prior to any work being done on the main extension.

If the actual cost of the District work exceeds the estimated cost, the applicant shall pay the excess cost to the District within 30 days after billing by the District. If the actual cost of the District work is less than the estimated cost, the District shall refund the difference to the applicant within 30 days after determination of actual cost..

## 22. WATER MAIN EXTENSION - COST REFUND

Any person required by the District to pay the cost of extending a water main adjacent to property other than their own by virtue of such main extensions so that water service for domestic use is provided for such other property without further extension of said main, shall be entitled for a period of ten years after the date of the installation, to a pro-rata portion of the initial cost of the main extension which shall be paid prior to such later service connection. The amount to be refunded shall be determined by the District and such determination shall be final. The pro-rata reimbursement shall be based upon:

- (1) total front footage of the property served in proportion to the total front footage of all property abutting on the street, road or right-of-way, within which the main extension was made and which was benefitted thereby or
- (2) any other reasonable basis that equitably distributes the cost of the main extension to the benefitted properties.

## 23. WATER RATES AND CHARGES

The District shall adopt and maintain appropriate rate and charge schedules for water furnished and services rendered within and without the District. These schedules shall be reviewed and amended from time to time by the District as required. Rates charged may be fixed and classified according to the type of use and according to the amount of water used. In the event a particular service is not specified, a rate will be established upon request by the District Board.

Current rate and charge schedules of the District will be maintained on file by the District at its general office at all times and will be available for viewing by the public.

Services larger than two inches (2") shall be subject to special arrangement and contract with the District with a minimum charge per month established in light of the conditions which pertain to such installations; provided, however, the basic rates for water per 100 cubic feet of water use shall apply to such installation unless otherwise set forth in specific contract.

Where a meter is found to be broken or fails to register, at the option of the District an estimated bill shall be prepared by the District and charges therein based upon a comparable period in the preceding months or year if

possible. A customer rendered such "estimated" bill may appeal to the Board if they have objections thereto, and which instances the Board shall consider the same and reach decision with respect thereto, which decision shall be final.

Charges for installation of service pipe and meters from main to property line, various materials furnished by the District and such other services as rendered shall likewise be set forth in the District's current rate and charge schedule and may be amended from time to time to meet the needs of the District and current economic conditions.

In determining appropriate service and installation schedules, the District shall consider and include therein appropriate charge for District overhead, which shall be twenty percent (20%) of actual cost.

In addition to current rate and charge schedules, the District Board may from time to time by appropriate resolution or ordinance, adopt appropriate connection, system development and general surcharges as the needs of the District may require after due public hearing thereupon' provided that all such charges and schedules of the District presently in effect as of the date of the adoption of these revised Rules and Regulations shall remain in full force and effect until further amended or revised by the District.

#### 24. COMPLAINTS AND SPECIAL REQUESTS

All complaints and special requests for service and all other matters upon which action by the District is requested or sought, shall be presented to the District in writing. The District need not give consideration to any request or complaint not so presented.

#### 25. REVISION AND MODIFICATION OF RULES, REGULATIONS AND CHARGES

The Board of Directors of the District may from time to time, as the occasion may require or as otherwise seems desirable, and in its sole discretion, make such modifications, revisions and additions to the Rules and Regulations of the District as may be deemed necessary or advisable and in the interests of the District. Such modifications, revisions or deletions to the District Rules and Regulations shall be made only after public hearing upon due notice given and upon approval of a majority of the entire Board of Directors of the District.

Rate and charge schedules for furnishing water for service, installation of meters, service pipings, main extensions and the like, may be revised from time to time as necessary and advisable and in the interest of the District as determined by the Board. Rate and charge schedules of the District shall be modified, revised, added to or deleted by the Board by appropriate resolution adopted by a majority of the entire Board of Directors.

Any increase proposed in the existing rates charged water consumers by the District shall be made only following public hearing before the Board on such proposals upon due notice being given to each user of such hearing not less than ten days or more than thirty days prior to the date of such hearing, or in the manner otherwise provided by law.

## 26. ANNEXATION

Properties not within the Pleasant Home Water District Boundries may from time to time be annexed into the District under the provisions of the Boundry Commission and the Pleasant Home Water District bylaws. The entire property to be served will be annexed and an ennexation fee as set by the Board will be assessed and payable prior to serving the property.

The scope of the District's authority as exercised by its governing body, the Board of Directors of the District, shall extend to and include all power and authority granted to the District by appropriate provisions of Oregon law, and especially those powers and duties and authority as set forth in Oregon Revised Statutes, Chapter 264. In all such instances, not specifically set forth herein, the Board shall act in its discretion and in a manner consistent with the intent and purposes of O.R.S. Chapter 264 and such other law as may be applicable thereto.



READ BY TITLE AND IN FULL this 10th day of March,  
there being present a quorum.

READ A SECOND TIME BY TITLE, this 10th day of March,  
1993, with the unanimous consent of the Board of Commissioners of the District,  
there being present a quorum.

PASSED AND ADOPTED BY THE UNANIMOUS CONSENT OF THE BOARD OF  
COMMISSIONERS OF THE PLEASANT HOME WATER DISTRICT, this 10th day of  
March, 1993.

YEAS: five NAYS: ZERO

Bob Carlson  
President - Board of Commissioners  
Pleasant Home Water District

ATTEST:

Royce Farnsworth  
Secretary - Board of Commissioners