

of the members or in the event there is a shortage of water, the Association may prorate and ration the water available among the various members on such basis as is deemed equitable and reasonable by the Board of Directors, and may also prescribe a schedule of hours covering use of water, the Association must first satisfy all of the needs of all of the members for household domestic purposes before supplying any water for livestock purposes and/or gardening purposes and all use shall comply with Oregon statutory law and administrative rule relating to qualification for domestic use.

Section 5. It is the responsibility of the Association and its members to protect its drinking water by instituting and enforcing a cross-connection program as required by Oregon Statute and Oregon Administrative Rules. A "cross-connection" means any physical arrangement where a member's water system is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp cooler, or any other device which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the Association's water system. No cross connection shall be created, installed, used or maintained by members of the Association served by the Association and by the City of Carlton except as may be permitted by these By-Laws and the appropriate ordinances of the City of Carlton.

A. Definitions.

The following definitions relating to requirements for cross connections to the Association and City of Carlton water supply are as follows:

(1) "Approved backflow prevention device" means a device to counteract back pressures or prevent back siphonage. This device must appear on the list of approved devices

issued by the Oregon State Health Division.

(2) "Auxiliary supply" means any water source or system, other than the public water system, that may be available in the building or on the premises.

(3) "Backflow" means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the Association and the City of Carlton.

(4) "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) "Degree of hazard" shall be derived from the evaluation of a health, system, plumbing or pollutional hazard.

(6) "Health hazard" means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the member's potable water system that would be a danger to health.

(7) "Plumbing hazard" means an internal or plumbing-type cross-connection in a member's potable water system that may be either a pollutional or a contamination-type hazard. This includes, but is not limited to, cross connections to toilets, sinks, lavatories, wash trays, 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.

(8) "Pollutional hazard" means an actual or potential threat to the physical properties of the water system or the potability of the public or the member'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.

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

(10) "Potable water supply" means any system of water supply intended or used for human consumption or other domestic use.

(11) "Premises" means any piece of land to which water is provided, including all improvements, mobile home(s) and structures located on it.

(12) "Reduced pressure principle device" shall mean an assembly containing two independently acting approved check valves, together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The device shall include properly located test cocks and tightly closing resilient wedge shut-off valves at the end of the assembly. A check valve is approved if it appears on the list of approved devices issued by the Oregon State Health Division.

B. Installation and inspection of cross connection devices.

Approved backflow prevention devices shall be installed at the expense of the member, either at the service connection or within the premises, as determined by a certified cross connection inspector contracted by or employed by the member and approved by the Association whenever:

(1) The nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premises, could contaminate or pollute the drinking water supply.

(2) The premises having any one or more cross connections, as that term is defined herein.

(3) Internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist or are present.

(4) There is evidence of a repeated history of cross connections being established or re-established.

(5) An unduly restricted entry so that inspections for cross connections cannot be made with sufficient frequency or with sufficient notice to assure that cross connections do not exist.

(6) Materials of a toxic or hazardous nature are being used such that, if backflow should occur, a health hazard could result.

(7) Any mobile apparatus which uses the Association or City of Carlton's water.

(8) Installation of an approved backflow prevention device is deemed to be necessary to accomplish the purpose of these Bylaws in the judgment of the Association.

(9) An appropriate cross connection report form has not been filed with the

Association and/or City of Carlton.

(10) A fire sprinkler system using non-potable piping material is connected to the water system.

(11) All residential properties occupied by persons other than the property owner shall install an approved backflow prevention device or the property owner shall assume all responsibility for any backflow that should occur.

C. Installation requirements.

Appropriate installation procedures shall be followed to ensure proper operation accessibility of all backflow prevention devices.

(1) No part of the backflow prevention device shall be submerged in water or installed in a location subject to flooding. If installed in a vault or basement, adequate drainage shall be provided.

(2) Devices must be installed at the point of delivery of the water supply, before any branch in the line, on private property located just inside of the property line. Alternate locations must be approved in writing by the Association prior to installations.

(3) The device must be protected from freezing and other severe weather conditions.

(4) All backflow device prevention assemblies shall be of a type and model approved by the State of Oregon Health Division, the City of Carlton, and the Association.

(5) Only devices specifically approved by the Oregon Health Division for vertical installation may be installed vertically.

(6) The device shall be readily accessible with adequate room for maintenance and testing. Devices 2" and smaller shall have at least 6" clearance on all sides of the device. All devices larger than 2" shall have a minimum clearance of 12" on the back side, 24" on the test cock side, 12" below the device and 36" above the device. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward.

(7) The member is responsible for all maintenance and testing of the device, as determined by the Association.

(8) If permission is granted to install a backflow device inside a building, the device shall be readily accessible upon request for inspection by the Association.

(9) Any device which is installed inside of the premises and is 4" or larger and is

installed 4' above the floor must be equipped with a rigidly and permanently installed scaffolding acceptable to the Association. The installation must meet the requirements set out by the U.S. Occupational Safety and Health Administration and the State of Oregon Occupational Safety and Health Codes.

(10) Loose pressure devices may be installed in a vault only if relief valve drainage can be drained to daylight through a "bore-sight" type drain. The drain shall be of adequate capacity to carry the full rated flow of the device and shall be screened on both ends.

(11) An approved air gap shall be located at the relief valve orifice. This air gap shall be at least twice the inside diameter of the incoming supply line, as measured vertically above the top rim of the drain and in no case less than 1".

(12) Upon completion of installation, the Association shall be notified and all devices must be inspected and tested and approved, if necessary, by the City of Carlton. The testing and repairs of all devices are the financial responsibility of the member.

(13) All backflow devices must be registered with the Association. Registration shall consist of the date of installation, the make, model, serial number of the backflow device, and initial test report.

(14) Any water pressure drop caused by the installation of a backflow device is not the responsibility of the Association.

(15) All new construction shall install an approved backflow device at the service connection.

D. Test requirements and costs.

Backflow devices installed shall be tested immediately upon installation and, as required by existing state laws or applicable regulations and at least annually, by a state-certified tester. All devices found not functioning properly shall be promptly repaired or replaced by the member. If any such device is not promptly repaired or replaced, the Association may deny or discontinue water to the premises. All testing and repairs are the financial responsibility of the member. All costs associated with the purchase, installation, inspection, testing, replacement, maintenance, parts and repairs of the backflow device are the financial responsibility of the member. Failure on the part of any member to discontinue the use of all cross connections and

to physically separate cross connections is sufficient cause for the immediate discontinuance of water service to the member's premises.

Section 6. The Board of Directors shall, from time to time as necessary, determine the flat minimum monthly rate to be charged each member during the following calendar year for a specified quantity of water, such flat *minimum* monthly rate to be payable irrespective of whether any water is used by a member during any month, and the amount of additional charges, if any, for additional water which may be supplied the members, shall fix the date for the payment of such charges, and shall notify each member of the amount of such charges and the dates for the payment thereof. A member to be entitled to the delivery of water shall pay such charges at the office of the Association at or prior to the dates fixed by the Board of Directors. The failure to pay water charges duly imposed shall result in the automatic imposition of the following penalties:

(a) Non-payment for thirty days after due. The water shall be cut off from the delinquent member's property.

(b) Non-payment for sixty days. Membership in this Association shall be terminated and the membership certificate purchased as provided for in Article V, Section 3 of these By-Laws.

Section 7. The Board of Directors shall be authorized to require each member to enter into a water users agreements which shall embody the principles set forth in the foregoing sections of this article.

ARTICLE XII

Distribution of Surplus Funds

Section 1. It is not anticipated that there will be any surplus funds after expenses of the Association have been paid from operating revenues. If there should be any, then at the end of