

La Pine Water District

Established March 1997, by election

La Pine, Oregon

**Rules, Regulations,
Rates and Charges
for Water Service**

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**ORDINANCE NO. 2003-1
Rules, Regulations,
Rates and Charges for
Water Service**

Repeals and Replaces Ordinance 2001-1

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**Revised version Adopted by the Board of Commissioners
This ___ Day of _____, 2007**

**BOARD OF COMMISSIONERS
BarbeAnn Nelson-Dodson, President
Brian Earls, Secretary/Treasurer
Beverly Lawlor, Commissioner
Randy Rhoades, Commissioner
Dennis Carter, Commissioner**

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ORDINANCE NO. 2003-1
LA PINE WATER DISTRICT
RULES & REGULATIONS

PREFACE

The La Pine Water District is a municipal corporation duly incorporated for the purpose of supplying the inhabitants with water for domestic purposes, and such other purposes as by law authorized. It is located within Deschutes County, State of Oregon.

The District is governed by a Board of five Commissioners. The power and authority given to the District is vested and shall be exercised by the Board. The Board is to manage, control and direct the operation of the District. The Board holds regular monthly meetings, which are open to the residents of the District. The Board may employ a Manager/Operator and such other employees as are required to carry on the operation of the utility. Work carried on by the District's personnel includes installing, repairing and maintaining mains, services and meters; supervision over the operation and maintenance of storage facilities, pumping stations, and other facilities and appurtenance; reading meters, preparing and mailing bills, making collections; and approving plans and construction for water facilities planned for construction by developers, that ultimately will become part of the District water system.

The water system is owned by the District, a municipal corporation. Major improvements in system facilities such as supply lines, reservoirs and feeder mains are normally undertaken by the issuance of bonds and may need to be authorized by the voters. The system is not operated for a profit; its function is that of rendering service at cost. Generally, improvements that benefit new development will be financed by the development, and not by water users of the District.

Under State Laws, the District may issue general obligation bonds financed by tax levy up to ten percent (10%) of the real market value of property within the District. Revenue bonds retired by monies collected from the sale of water may be issued without legal limit; the practical limitation being the ability to sell the securities.

1. DEFINITIONS

“District” shall mean the La Pine Water District, Deschutes County Oregon.

“Board” shall mean the Board of Commissioners of the La Pine Water District.

“Person” shall mean and include any natural person, firm, co-partnership, association or corporation.

“Applicant or Customer” shall mean any “person” granted water service after due application to the District, under the terms of these regulations.

“Manager/Operator” shall mean the manager of the La Pine Water District employed by the Board.

“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.

“EDU” shall mean equivalent dwelling unit.

“SDC” shall mean system development charges.

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

“Customer Line” shall mean the pipe, valves, and fittings leading from the water meter into the premises served.

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

2. OWNERSHIP OF SYSTEM

The water system is owned by the District. This District is a municipal corporation organized and operated under Oregon Revised Statutes Chapter 264, and possesses the powers as set forth therein.

3. JURISDICTION AND OPERATION

The entire system, including all mains, service lines, meters, reservoirs, pumping stations, wells and all facilities and appurtenances shall be operated only by regularly employed or authorized personnel of the District.

No 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 any meter or service, or operate any valves or fire hydrant; provided however, that members of regularly constituted fire departments shall be permitted to connect to and use fire hydrants for the express purpose of fighting fires, testing and use consistent therewith.

4. RESPONSIBILITY AND LIABILITY OF THE DISTRICT

The District shall maintain and repair its mains, service pipes, meters, structures, facilities and all appurtenances so as to keep them in repair and operative conditions at all times so far as practical and reasonable. The District will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to customers at pressures in compliance with Oregon Health Division regulations, and to avoid so far as reasonably possible any shortage or interruption in delivery.

5. USE OF WATER

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

6. QUALITY OF WATER

The District will exercise reasonable diligence to supply safe and potable water at all times.

7. FURNISHING WATER

The District shall not be obligated to furnish and install at its expense system facilities for all property within the District. The District shall so far as reasonable and practical and within its financial means, however, provide adequate source of supply, necessary primary feeder mains, storage facilities and other improvements necessary to make water service generally available for all areas within the District. Extensions to furnish water to areas at present, not now obtaining water from the system shall, at the expense of those persons requesting service, be made by the District or by those expressly authorized to do so. See Section 29 WATER MAIN EXTENSIONS.

Structures and uses established and existing on or before the effective date of this ordinance that are to be connected to the water system under the initial plan, loan and grant, are exempt from SDCs to the extent that the structure or use then existing continues and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this section shall pay SDCs, pursuant to the terms of this ordinance when there is an alteration in the number of parcels to be served, there is an addition to a structure or a change in use of a structure that requires an increase in the use of the water system.

8. MANDATORY CONNECTION

When public water becomes available for connection to property utilizing a private water system, such property shall be connected to the public water system within sixty (60) days after the date of official notice from the District to connect, except where and when time extensions are granted by the Board. Time extensions may be granted on a case-by-case basis at the Board's discretion, after considering the following criteria:

- a. size, location and elevation of the property
- b. condition of the private water system
- c. length of the extension under consideration, and
- d. such other criteria as the Board may deem appropriate upon consultation with the District's engineer or manager/operator water master.

A customer may continue to use their private well for outside domestic watering purposes including irrigation, watering of lawns and gardens and providing water to livestock (except in instances where livestock are used for commercial and/or industrial purposes).

Customer's shall not drill any wells within District boundaries without written permission of the Board or it's agent.

9. SERVICE INSTALLATION CHARGES/SDCs

Customers desiring to connect to the water system after the effective date of this ordinance shall be required to pay service installation charges for complete installation of service pipe and meter from the main to the property line and SDCs. These charges shall be as set forth in a Resolution adopted by the Board.

Payment for service connections for new service where no service previously existed, or for a change in meter size or location, shall be submitted with the application.

10. WATER SERVICE AND METERS

Application for new water service installation shall be made in writing by the owner of the premises to be served, or the owner's agent duly authorized in writing, on regular application forms furnished by the District. No service will be rendered until such application has been completed and the required payments made. All applications shall include signature of applicant, location of premises for which service is requested, address to which all bills shall be sent, and such additional data as the District from time to time may require.

Application for new water service shall be considered merely as a request for service, and shall not bind the District or Board to provide service.

Arrangements to pay all charges made for the installation of water services shall be made in advance of installation by the District.

Water service shall be provided only from pipes or mains located within streets, alleys or rights of way controlled by the district, and to property or premises abutting such mains. So called "Spider Connections" which would provide service from one street or road to property or premises abutting another street or road shall not be permitted, and request for such service shall be disapproved.

The owner of property served shall be responsible for the payment of all bills and charges made for water service installations and service, whether for his/her use or the use of other persons or customers whether they be occupants, renters, or holders of leases of the property to be served, or otherwise. Costs should include costs for review of plans submitted by the owner or property desiring service, and should include the cost of review by District personnel and the District's engineer.

Each dwelling or building shall be provided with its own water service connection and meter. Other options may be available to mobile home parks and malls, per District approval. No person shall furnish water to either buildings or premises without the written approval of the District, and then only under the specific terms of any such authorization which might be granted.

Meters shall be set at property lines, and the service pipe from the main to the meter, as well as the meter and meter box shall be the property of the District and not the person owning the premises or paying for the installation.

Meters shall be installed in such a manner as to allow District personnel access. Meters shall not be installed behind fences or any other enclosure as to render them inaccessible by District personnel, without written permission of the District or its agent.

Unless otherwise requested or required, approved and paid for service connections shall be _ inch and meters shall be first quality 5/8 inch x _ inch meters, to be installed by the District at the cost of the customer as set forth in a Resolution adopted by the Board, together with such corporation stop, fittings, connections, yoke or setter, meter box, shut-off cocks, etc., as the District shall require.

Services larger than _ inch may be installed provided the system is able to adequately service such larger connections without interfering with the water service of others. The charges made for the installation of larger services shall be sufficient to cover all costs thereof, and the basic or facility charge may be higher than for standard 5/8 x _ inch meters.

The size of customer piping for services which are more than 100' from the meter shall be no less than 1".

Minimum meter size shall be determined by the District and be based on expected flows, distance and user needs.

Persons requesting large service connections for fire protection (sprinkler systems) may be required by the Board to pay for an equitable portion of the cost of feeder mains needed to supply the required flow. Each such case shall be considered separately on its merits and the circumstances applying to the case. The Board may also develop fire rates for service of this type in which fire line rates or charges are established that are sufficient to cover the cost of the service rendered and shall be as set forth in a Resolution adopted by the Board.

Service to persons residing outside the limits of the District shall be made only if the District has sufficient surplus water, over and above its requirements within the District, and in compliance with the Oregon Department of Land Conservation and Development (DLCDD) regulations. Such service, if provided, may be discontinued at any time if the interest and the needs of the District so require. The rate schedule for outside service shall in no instance be less than 1.5 times the rates charged for residents within the District, and charges may be in such additional amount as the Board may from time to time determine.

11. CLASSES OF SERVICE

The classes of service shall be Residential, Commercial, Industrial, Standby Fire, Contract Services and Special Contracts, as defined as follows: Any class of service may be Within District Boundaries, or Outside District Boundaries.

- a. Residential Services. Residential services shall consist of all services for Domestic purposes, single-family dwellings and homes.
- b. Commercial Service. Commercial services shall consist of those services where water is used for commercial services, such as businesses, multi-family dwellings, trailer parks, nonprofit, community, medical, municipal and religious organizations. Alternatively, at the District's discretion, organizations may be charged on a store-front basis, one charge for each separate entity in a building. Each separate organization could be charged even though there may not be facilities in the user's portion of the building, as each user's use and occupancy adds to the load and demand on the overall system. The District may charge the owner or user where the

common facilities are located for each tenancy in lieu of charging each tenant individually.

- c. Industrial Service. Industrial Service shall consist of those services, including, but not limited to, industrial and manufacturing purposes.
- d. Standby Fire. Standby fire services shall consist of those services where water is available or used for fire protection only. This type of service will only be installed where adequate provisions are made to prevent the use of water from such services for purposes other than fire fighting. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions.
- e. Contract Services. Contract services shall consist of providing water to fire districts or other water districts or associations under contracts authorized by the Board.
- f. Construction Water. Water for construction purposes shall be provided only after application for such service. Water shall be metered using a hydrant meter checked out and/or authorized by District personnel. Penalties for unauthorized use may be levied in the event such person or contractor uses District water without permission. Penalties for unauthorized use shall be as set forth in a Resolution as adopted by the Board.
- g. Special Contracts. When the applicant's requirements for water are unusual or large, such as for an independent water system or that may necessitate special or reserve equipment or capacity, the District, by authorization of the Board, reserves the right to make special contracts, the provisions of which are different from and have exceptions to the regularly published water rates, rules and regulations. Terms of any special contract shall be approved by the Board. See Section 21. CONTRACTS.

12. TURNING ON WATER SERVICES AND METERS

No person other than an employee of the District shall turn on or off any of the District's meters or services without District approval. Customers desiring either a continuance of service, a new service or restoration of service shall make arrangements therefore with the District.

13. DEPOSITS

The District may require the applicant to make a cash deposit in order to establish credit as set forth in a Resolution adopted by the Board.

At the time the deposit is given to the District, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill, and any amount in excess of the closing bill will be refunded. The District will not pay interest on any deposit.

If an account becomes delinquent and it is necessary to turn off the service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to that premises or that customer at different premises until all outstanding bills due the District have been

paid and the cash deposit replaced, together with service charges as provided by a Resolution adopted by the Board.

14. METER READING AND BILLING

Meters shall be read monthly or bi-monthly and bills rendered based upon consumption to the nearest 100 U.S. gallons used, as well as any other charges affixed to the service.

For the purpose of making charges, all meters serving a customer's premises shall be billed separately, and in accordance with the requirements of the District. Separate meters shall be provided for each dwelling or structure, unless otherwise specifically approved by the Board.

In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be pro-rated on the basis of thirty (30) days per month and the total consumption for billing purposes for the period shall be estimated.

Upon determination of actual water consumption for the period estimated, the customer shall be billed for any additional amounts owed the District. In the event the estimated bill was too high, the excess will either be credited to that customer's next bill or refunded directly to the customer, at the District's discretion.

15. PAYMENTS FOR SERVICE

All charges for water service shall be due and payable monthly on the date of billing and become delinquent on the tenth day thereafter. If payment is not received by the next date of billing, a late fee shall be assessed, as adopted by Resolution adopted by the Board, in addition to the regular charges due. If the property is a rental property, a courtesy notification will be sent to the property owner. If not paid within 45 days of the billing date, a shut off notice will be sent to the customer and/or property owner. If payment is not received within 15 days of mailing of the shut off notice the water service shall be disconnected and an additional late fee shall be assessed.

Water service disconnected for lack of payment of bills will be restored when all past due bills are paid plus such other charge(s) therefore as the Board shall determine proper from time to time and as set forth by Resolution then in effect. This requirement shall not be avoided by change in title or user.

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

16. WATER RATES AND CHARGES

Monthly or bi-monthly water bills shall consist of a basic charge for each meter category and consumptive water rates which shall be as set forth by Resolution adopted by the Board. The price for consumptive units of water shall be the same for all users within the same classification.

Other charges or fees shall be as set forth in the Resolutions as adopted by the Board.

Water cost contributions, which will be based on the current Water Rate Study, will determine a user's water service EDU. EDUs will be re-assessed as the Board determines necessary.

17. ADJUSTMENTS OF WATER BILLS

Unusually high water bills resulting from loss occurring in the customer's plumbing system may be adjusted for a period not to exceed the previous two months upon notification and request by the user, and if the situation is corrected within thirty (30) days after its discovery. The basis of adjustment will be reduction of water bills by applying production of water costs to excess usage over user's normal bill. Any reduction in any bill is solely at the discretion of the Board.

18. TEMPORARY SERVICE

For temporary water service a customer shall pay the established charge for installation for the service connections requested, plus any additional charge which may be required by the District for removal or resetting of the service following the termination of temporary use. The customer shall also pay in advance one month's anticipated or estimated water service charge, and shall continue to do so each month thereafter so long as the temporary service is maintained.

19. DISCONTINUANCE OF SERVICE OR CHANGE OF OCCUPANCY

At any time specified by a customer that he/she expects to vacate premises where water service is provided and that he/she wishes service discontinued, the District shall read the meter and render a bill promptly, and the bill shall be paid at once.

Basic charges for a portion of a month shall be pro-rated upon the actual days of use. Final bills will be comprised of the pro-rated basic charge plus the consumption charges for the actual amount of water used.

If, at the customer's request, a service is shut off, such charge shall be made therefore as the Board shall determine proper from time to time and as set forth in a Resolution adopted by the Board.

20. 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. Failure to give such notice shall in no manner cause the District to become liable for loss or damage caused by service interruption.

21. CONTRACTS

Whenever the applicant's requirements for water service are unusually large, or subject to great fluctuation or variation in draft, the District may require a special contract for an extended period of time, and the District may require reasonable security satisfactory to the District and sufficient to protect the District against loss and to guarantee performance under the terms of the contract

Resale of water will be permitted only under conditions of a special contract, and will not be applicable to normal water service within the District boundaries.

All rules, regulations, rates and charges are subject to change or modification by the Board except however, special contracts which specify the length of time in which the contract rates shall apply. All such special contracts shall be in writing, signed by the applicant and duly authorized by either the manager or Board. See Section 11. CLASSES OF SERVICE, subsection g.

22. LEAKAGE WITHIN PREMISES

All leakage occurring beyond the meter shall be at the expense of the customer, and the customer shall be responsible for the proper maintenance and repair of customer's lines, stop and waste valves, gate valves, pressure regulators, plumbing fixtures, etc., within customer's premises.

23. WATER DAMAGES OR INJURIES WITHIN PROPERTY

The District shall not be liable for any damage or injury whatsoever for leakage or for the running of water on the premises from pipe lines, plumbing fixtures, open faucets, valves, fixtures and hoses beyond meters set at property lines.

24. MAINTENANCE AND REPAIR OF CUSTOMER'S LINES

Customers shall install, maintain and repair all piping between meters and premises served, and shall install same at a minimum of 30" depth to protect from freezing and traffic. Leakage occurring in customer's lines shall be the responsibility of the customer. See Section 22. LEAKAGE WITHIN PREMISES.

25. CROSS CONNECTION OR PHYSICAL CONNECTIONS WITH OTHER WATER SUPPLIES OR SYSTEMS

In accordance with District rules and regulations, neither cross connections nor physical connections of any kind shall be made to any other water supply, whether private or public. Included in this category are all pipe lines, appurtenances, and facilities of the District system and all pipes, appurtenances, pumps, tanks, storage reservoirs, facilities, equipment, appliances, etc., of other systems whether located within or on public or private property, or the premises of the water user. Backflow prevention devices and other requisites shall be required as determined by the District.

The District's Manager/Operator or other authorized representative shall have the right without being deemed guilty of trespass or unlawful act to check the premises of users for physical connections with other water supplies or other cross connections. Any such connection shall be removed by the customer after notice. If not removed within the time specified, the District may remove or discontinue any connection which it may have for servicing the property.

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 siphonage 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.

The District program will follow rules as described in:

1. Oregon Administrative Rules, Chapter 333-61-070;
2. AWWA accepted procedure and practice in cross connection control manual, 9th edition;
3. EPA cross connection control manual revised 1989. The District will inform the customer as to the proper approved Oregon State Health Division backflow device required. Approved double check device on the customer's side of the meter is the minimum requirement that each customer will have installed. Approved devices shall also be installed at all locations where a known or potential hazard exists. For those meters with a double check backflow device at the meter, another approved device may be required to high points of hazard when water is used by the public. The public needs are to be protected. All required backflow devices are the complete responsibility of the customer and will be tested annually per OAR 333-61-070 (10). The test report for the devices will be sent to the District per OAR.

Failure to comply with this section shall result in the immediate termination of water service.

26. 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/her meter tested, the District will make such test, but should the meter so tested be found to be ninety-six to one hundred and two percent (96-102%) accurate, the customer requesting such testing may be required to pay the cost thereof, provided however that should such meter be found to over-register in excess of two percent (2%) testing shall be at the cost of the District.

Charges made for meter testing may be required to be paid in advance, and deposit required for checking same shall be as shown in a Resolution adopted by the Board. The deposit shall be refunded if such meter testing shall be found to register in excess of two percent (2%) of actual usage.

Whenever a meter has been found to over-register more than two percent (2%), an adjustment in a reasonable amount shall be made to the customer for past billings, but in no case shall adjustment exceed a period of six (6) months.

27. PRESSURE REGULATION

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

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

28. MAINTENANCE AND REPAIR OF SERVICE LINES

The District shall maintain and repair service piping between mains and meters at its expense. Water users shall be responsible for the maintenance and repair of service piping between meters and premises. Owners and users shall take all reasonable precautions to protect service lines and meter installations from damage of any kind whatsoever.

29. WATER MAIN EXTENSIONS

Water lines shall meet with District and Oregon Health Division approval for all plans, specifications, standards, materials and construction practices.

The District as a whole shall pay for the cost of supply, pumping stations, storage facilities and primary mains for the general distribution of water within the District, but it shall not pay the cost of main extensions to service additional customers, properties, tracts or subdivisions. Such extensions, when requested, shall be paid for and/or be caused to be installed by the person requesting such extensions; and shall be extended to interconnect with existing facilities within the District.

All such extensions shall be constructed by a properly insured and bonded owner or by a licensed, insured and bonded contractor engaged by the owner or District according to a set of plans drawn by a State of Oregon registered engineer and duly approved by the District according to State of Oregon Health Division Rules and Regulations. All materials used shall be approved by the District and be of first quality and become a part of the permanent system of the District.

The District shall determine the size of mains required. Materials will be comparable to existing materials of installed facilities within the District. All costs related to the extension such as, fittings, service pipe, meters, meter boxes, valves, valve boxes, fire hydrants, taps, disinfection, testing and engineering services required shall be included in the cost to the person requesting such extensions. Extensions shall be made in the street to a point to and through the property to be served, or to the far side of any street bordering new developments.

Main lines, will be designed, inspected and certified by a qualified Registered Professional Engineer and constructed to District standards, subject to District's inspection and approval and at the developer's expense, are required:

- a. for structures which are more than 250' to the front of the structure or more than 300' to the rear of the structure, or
- b. when water service to more than 3 structures on a single piece of property is expected, or
- c. when expected or predicted future development necessitates the installation of a water main.

If the District is performing the work or engaging a contractor to perform the main extension, advance payments for extensions may be required of the owner or owners of the property for which service is desired. After receipt of a written request for a main extension, the Manager/Operator or Engineer for the District shall prepare an estimate of cost and furnish the applicant with a copy thereof. The District shall not proceed with the work until

payments or arrangements to pay have been made for the full amount of the proposed work. After completion of the work and tabulation of costs of the installation, any excess monies deposited prior to the work shall be refunded and any deficiency shall forthwith be paid to the District by the owner. Regular inspections by a qualified Engineer's representative will be required for acceptance of facilities by the District, and said Engineer will certify that construction was completed in compliance with plans and specifications for the project. Prior to final acceptance of the project by the District, Engineer shall provide accurate as-builts for District records, and will furnish as-built records in original reproducible form, with two paper copies of each. A digital record shall also be supplied for the District's record purposes.

The facilities after installation shall be the sole property of the District and shall be maintained and operated by the District's personnel exclusively, and all connections for services thereto shall be made in the manner elsewhere set forth in these regulations, and the charges made for service connections and meters shall be as therein set forth.

30. APPLICANT'S PLUMBING

The applicant's plumbing, which shall include the applicant's service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the plumbing code of the State of Oregon.

Applicants shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this section.

It shall be a violation of these rules and regulations for the applicant to operate, cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection.

31. WATER MAIN AND CONNECTION INSTALLATION

New water mains and connections shall be installed only on duly dedicated public highways, streets, or roads; being not less than forty (40) feet in width, or by attained utility easement, subject to the discretionary right of the Board to acquire property in any lawful manner for the uses and purposes of the District.

32. WATER SHORTAGE PROVISIONS

In the event a water shortage should occur, and it becomes necessary for water to be conserved, or water use restricted, the Board, by resolution, may place such restrictions and promulgate such regulations in connection therewith as may be necessary until the water shortage is over.

33. REVISION AND MODIFICATION OF RULES, REGULATIONS AND CHARGES

The Board may from time to time, as the occasion may demand or require and in the Board's sole discretion, make such modifications, revisions and additions to the rules and regulations as may be deemed necessary and in the interest of the District. Rates and charges for service, installation of meters, service piping, main extensions and any other item may likewise be revised as necessary and required in the interest of the District.

34. ENTERING INTO CONTRACTUAL ARRANGEMENTS

The Board may from time to time enter into lawful contracts.

35. RESPONSIBILITY FOR EQUIPMENT

- a. Responsibility for customer equipment. The District shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing or equipment, nor shall the District be liable for loss or damage due to interruption of service or temporary changes in pressure. The customer shall be responsible for valves on his premises being turned off when the water service is turned on.
- b. Responsibility for District equipment. District equipment on the customer's premises remains the property of the District and may be repaired, replaced or removed by District employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or remove District equipment on his or her premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.
- c. Damage to District equipment. The customer shall be liable for any damage to equipment owned by the District which is caused by an act of the customer, his tenants, agents, employees, contractors, licensees or permittees. Damage to equipment shall include, but not be limited to, breaking of seals and locks, tampering with meters, injury to meters, including, but not limited to, damages by hot water or steam, and damaged meter boxes, curb stops, meter stops and other appurtenances.

36. FIRE HYDRANTS

- a. Operation. No person or persons other than those designated and authorized by the District shall open any fire hydrant belonging to the District, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted to receive water through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.

- b. Moving a fire hydrant. When a fire hydrant has been installed in the locations specified by the proper authority, the District has fulfilled its obligation. If a property owner or other party desires to change the size, type or location of the hydrant, he shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the District and the Fire Department.

37. SUSPENSION OF RULES

No employee of the District is authorized to suspend or alter any of the policies, rules and regulations cited herein without specific approval or direction of the Board, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy.

38. CONSTITUTIONALITY SAVING CLAUSE

If any clause, sentence, paragraph, section or portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section or portion of this ordinance directly involved in the controversy in which the judgment is rendered.

39. EMERGENCY CLAUSE

It is hereby adjudged and decreed that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the La Pine Water District, and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage.

Signed by me in open session in authentication of its passage

This _____ day of _____, 2007.

President

Attested:

Secretary