

**ORDINANCE NO. 09-970**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAKE HAVASU CITY, MOHAVE COUNTY, ARIZONA, AMENDING CITY CODE CHAPTER 11.04- ARTICLE X: IRRIGATION & DRAINAGE DISTRICT RULES AND REGULATIONS AND LAKE HAVASU IDD REGULATIONS GOVERNING DOMESTIC WATER SERVICE**

**WHEREAS, the City Council of Lake Havasu City also sits as the Board of Trustees for the Lake Havasu Irrigation and Drainage District;**

**WHEREAS, both Lake Havasu City and the Lake Havasu Irrigation and Drainage District hold the same interests with regard to the use and preservation of water; and**

**WHEREAS, Resolution No. 09-2367 adopted on April 14, 2009, declared the Lake Havasu Irrigation & Drainage District Regulations Governing Domestic Water Service, as amended June 1, 2009, to be a public record and directed that three copies be placed in the office of the City Clerk and made available for public review upon request.**

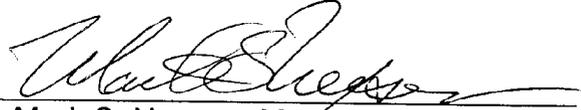
**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of Lake Havasu City, Arizona, that the Lake Havasu Irrigation & Drainage District Regulations Governing Domestic Water Service be adopted into City Code Section 11.04.280 by reference to the aforementioned resolution, and, further, City Code Chapter 11.04- Article X: Irrigation and Drainage District Rules and Regulations, be amended as follows:

Section 11.04.280 Adoption of Irrigation and Drainage District Rules and Regulations by Reference, is hereby amended to read as follows:

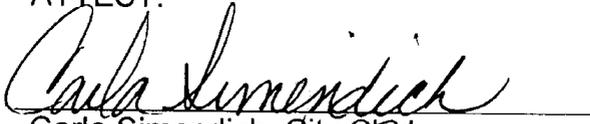
The document known as the Regulations Governing Domestic Water Service, Lake Havasu Irrigation & Drainage District, effective June 1, 2009, is adopted by reference as though fully set out in this chapter as the irrigation and drainage code of the city.

**PASSED AND ADOPTED** by the City Council of Lake Havasu City, Arizona, this 28th day of April, 2009.

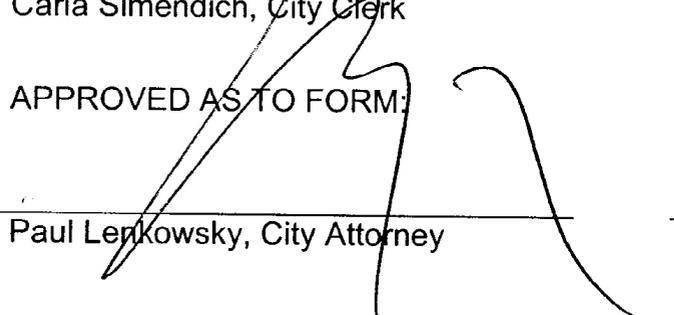
APPROVED:

  
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Mark S. Nexsen, Mayor

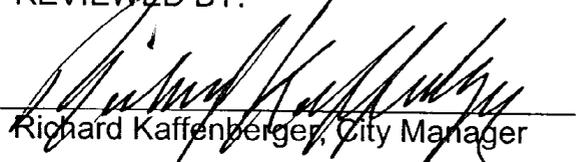
ATTEST:

  
\_\_\_\_\_  
Carla Simendich, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Paul Lenkowsky, City Attorney

REVIEWED BY:

  
\_\_\_\_\_  
Richard Kaffenberger, City Manager

**REGULATIONS  
GOVERNING  
DOMESTIC WATER SERVICE**



Revised June 1, 2009

**LAKE HAVASU IRRIGATION & DRAINAGE DISTRICT**

**Lake Havasu City, Arizona**

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**SECTION 1  
DEFINITION OF TERMS**

1. APPLICANT means a person applying for a water service connection(s).
2. BOARD means the Lake Havasu City Council serving as the Board of Trustees of the District.
3. DISTRICT means the Lake Havasu Irrigation and Drainage District.
4. EFFLUENT means sewage, wastewater or other liquid after some degree of treatment, flowing out of any treatment device or facilities.
5. FULLY BURDENED HOURLY RATE means the rate charged for personnel services of the District including overhead and fixed asset replacement allocations.
6. GENERAL MANAGER means the City Manager of Lake Havasu City or designee.
7. INDUSTRIAL CUSTOMER means a customer engaged in a manufacturing business and whose business is located in the Industrial Zone of the City and whose business uses a minimum of 50,000 gallons per day (6,685 cubic feet).
8. IRRIGATION METER means a service being used for landscaping, or other purposes whose use does not result in a discharge to the sewer system and has been approved for use as an irrigation meter by the District.
9. MAIN means a water pipeline located in streets, highways, public ways, thoroughfares, easements or private rights-of-way, and which is used to serve the general public.
10. OPP means the City's Operating Policies & Procedures Manual, which lists the City's fees and charges as approved by ordinance.
11. PERSON includes a corporation, company, partnership, firm, association or society as well as a natural person.
12. PREMISES mean the integral property or area, hereby considered to be any legally recorded lot or parcel including improvements thereon, to which water service is or will be provided.
13. SERVICE CONNECTION means the pipeline extending from the District's main, whether located in a public thoroughfare or private right-of-way, to the curb line or property line of the water user's premises, together with the valves, meter and fittings necessary to connect to the water user's private pipeline.
14. UNTREATED WATER is water that has not been treated and cannot be used for domestic purposes (raw water).

**SECTION 2**  
**AUTHORITY OF GENERAL MANAGER**

The General Manager may prescribe and enforce regulations not in conflict or inconsistent with existing regulations to implement the provisions, conditions and requirements regarding any matters hereinafter referred to in these Regulations.

## **SECTION 3 SERVICE CONNECTIONS**

### **3-01 GENERAL POLICY**

Service connections and meters shall not be installed until all applications and payments for all City utilities have been received by the District and a Grading or Building Permit has been issued.

### **3-02 APPLICATION FOR WATER**

An application for water service must be signed by each applicant for water service, on a form supplied by the District.

(a) Charges for establishment of services are required in accordance with OPP # 5.105:

1. During normal scheduled hours.
2. After normal scheduled hours or for any unscheduled establishment of service.

(b) Deposit Requirement

1. New Customers. All new applicants for residential, residential on sewer, apartments, hotels, motels and condos water services will be required to pay a deposit fee in accordance with OPP # 5.105.

All other users' deposit fees to be based upon average monthly bills as estimated by the Finance Department (minimum deposit fee in accordance with OPP # 5.105.)

2. Current Customers. The Finance Department shall be authorized to require additional deposit(s) of any current customer based on a review of delinquent payments. This deposit will be calculated to equal three (3) months of average billings. Refusal to pay additional deposits when required will result in termination of water service.

The deposit fee will be held on deposit for one (1) year. Refunds are made subsequent to one (1) year of satisfactory payment record.

(c) Letter of Credit. A letter of credit or statement of good payment history from the customer's previous utility company will be accepted in lieu of the deposit requirement for new customers with the following conditions:

1. Letter must be from previous utility company and dated within 6 months of application for service.
2. Letter must cover a minimum of 12 months service with no more than 2 delinquent payments.

3. Letter must be submitted with application for water 2 days prior to the start of service.
- (d) Notification of Change of Ownership or Occupancy. It shall be the duty of every person signing an application for water delivery and of every owner of premises to which water is delivered to notify the District of any change in the ownership or occupancy of said premises at least two (2) days prior to such change. Every applicant shall be liable for the water furnished until the District receives written notice to cancel and shut off the water when said applicant's liability shall cease except as to water furnished previous to said notice.

### **3-03 DESCRIPTION OF PREMISES**

The applicant shall describe the premises or property to be served and only the premises so specified shall receive water through such service connection.

### **3-04 PREMISES TO BE SERVED**

- (a) Separate Premises. Separate premises under single control and management will be supplied through individual service connections unless the District elects otherwise. If the applicant wishes to utilize single service to the various premises, a legal lot combination must be applied for and approved prior to servicing the other premises.
- (b) Multiple Units. Separate houses, building, living or business quarters or other uses on the same premises under single control or management, may be served by either of the following methods:
  1. Through separate service connections to each or any unit provided that the pipeline system from each service is independent of the other and is not cross-connected, or:
  2. Through a single service connection to the entire premises.

### **3-05 DIVISION OF PROPERTY**

Whenever property having a service connection is divided into two or more parcels, an existing service connection should be considered as belonging to the parcel which it directly enters, and new service connections shall be secured for the remaining parcels. All costs shall be at the expense by the property owner(s).

### **3-06 INSTALLATION**

Only duly authorized employees or agents of the District shall install a service connection from the District's main to the water user's premises, unless prior written authorization is obtained from the District. No water service or meter will be installed until the appropriate Grading Permit, Building Permit, or Right-of-Way Permit, and Utility Services applications have been submitted and approved and all fees paid. For any existing premises, no water service or meter

will be installed until the appropriate applications (Utility Services, Zoning Use Permits, etc.) have been submitted and approved and all fees paid.

### **3-07 SERVICE SIZE AT LOCATION**

The District reserves the right to determine the size of the service connection and its location in relation to boundaries of the premises to be served. Customarily, a service connection will terminate at a point within the City's right-of-way. The applicant is responsible to insure that the correct size meter is requested. The applicant must bear all costs associated with a change in meter size after installation. The charge for an increase in meter size or for additional meters shall be at actual cost using the fully burdened hourly rates for labor and equipment, and the cost of materials.

In locations where the applicant's premises do not directly abut on a public thoroughfare, the District at its option may provide a service connection of conventional length terminating at some practicable location on public property, and the applicant has the responsibility of providing a connection thereto. The applicant's pipe to connect to the District's service connection should not be laid until the service connection is installed. In the event the applicant's pipe is laid prior to the time the service connection is installed, and its location does not correspond with that of the service connection, then the applicant must bear the additional cost of connecting the service connection pipe with the applicant's pipe.

### **3-08 APPURTENANCES**

- (a) Stops and Valves. Each service connection shall have a meter stop, on the inlet side of the meter, for exclusive use by District in controlling the use of the water through the service connection and meter and a check valve on the outlet side of the meter, all within the meter box. If either, or both, of these valves are damaged by the water user, the District shall have the right to charge the water user for the replacement of the valves.
- (b) Meters. All regular and temporary (construction, etc.) service connections shall be metered at all times. Customarily, meters will be installed in public property adjacent to the curb or property line, but at the option of the District, they may be installed on the water user's property in an appropriate housing. No rent or other charge will be paid by the District for a meter located on the water user's property, and the District shall have unimpeded access across the property to the meters at all times. Meters will be sealed by the District at the time of installation and no seal shall be altered or broken except by one of the authorized employees or agents of the District. If a meter is damaged by a water user, the District shall have the right to charge the water user for the replacement of the meter.

### **3-09 RESPONSIBILITY**

The District's responsibility ends at the water user's side of the meter or, in the case of an unmetered or other special installation, at the point where the District's facilities end.

### **3-10 OWNERSHIP, MAINTENANCE AND REMOVAL**

All services, valves and water meters installed by the District remain the property of the District and shall be maintained, repaired and renewed by the District when rendered unserviceable through fair wear and tear; provided that where replacements, repairs or adjustments of any meter are rendered necessary by the act, negligence, or carelessness of the water user, family, authorized agents, representatives or their employees, any expense caused to the District thereby shall be charged against and collected from the water user.

### **3-11 GROUND WIRE ATTACHMENTS**

The District will hold the water user or any individual or organization liable for any damage, including but not limited to injury that occurs to any person(s) attaching said wire or any other modifications not stated herein to its property which may be occasioned by the attachment of any ground wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the District.

### **3-12 ACCESS TO PREMISES**

The District, or its duly authorized agents, shall at all reasonable times have the right to enter or leave the water user's premises for any purpose properly connected with its operations.

### **3-13 UNUSED SERVICE CONNECTION**

An activated connection which has not been used for a period of five years shall be considered dead and service shall be terminated. Thereafter, any person desiring water service for the premises, or any portion thereof, formerly supplied by such dead service shall make application for new service connection and pay the current charge for new service before the connection will be re-activated.

### **3-14 PRESSURES**

All applicants for service connections or water service must accept and consent to such conditions of pressure and service as may exist from time to time, in accordance with the current operating practice prevailing on the distribution system of the District, at the location of the service connection and to hold the District harmless from any damages caused by a low or high pressure, fluctuation of pressure or interruption of service.

### **3-15 QUICK CLOSING VALVES**

No person or water user shall install or use a quick closing valve or other device when such valve or device during its operation causes a water hammer or an abrupt change of pressure in any District service lines or pipes. Reestablishment of service will be required after correction to the system has been verified by the District. A reconnect fee will be assessed in accordance with OPP # 5.102.

### **3-16 BACKFLOW PREVENTION DEVICES**

An approved backflow prevention device shall be installed on the property side of all service connections to City water mains except those excluded in Lake Havasu City's Backflow Ordinance, which is Chapter 8.20 of the Lake Havasu City Code, incorporated herein by reference. Backflow prevention devices must be installed by and maintained at the expense of the water user.

### **3-17 ONSITE WATER METERS**

Any installation of a water meter shall be subject to the following Chapter of the City Code authorized by the District on the water users' property pursuant to Section 3-08(b) herein, shall be subject to the following terms and conditions:

1. Multiple meters may only be permitted on private property for the following:
  - (a) Multiple-unit (i.e., 3 or more) developments located on the same lot of record.
  - (b) Other developments with separate lots of record with private internal streets and/or common areas where this city may or may not own the water main.
  - (c) For non-living accessory structures as described in City Code §14.040.030 and accessory living quarters as described in City Code §14.040.020. The second meter must remain in the name of the principal dwelling account holder. The second meter must be tagged so as to identify the total number of service meters per property.
2. Developer/property owner shall file an application requesting that multiple meters be installed on private property and certifying they have read and will comply with all sections of the IDD Rules and Regulations at the time of their first submittal for their project. Approval of the application shall be at the option of the District pursuant to Section 3-08(b) herein.
3. All individual property owners shall be required to file for an application for water pursuant to Section 3-02 herein, prior to water service being extended to the individual property.
4. The developer/property owner shall, prior to installation of the meter, grant the City a perpetual easement recorded with the Mohave County Recorder to run with the land granting unlimited access to the meters at all times. Developer/property owner shall be responsible for completion of the easement form and recording with Mohave County including all costs associated therein.
5. The onsite meters shall be placed below grade in the common areas of the development, and within 1'-2' of back of sidewalk along the roadway, or if no sidewalk, then the same distance from back of curb or edge of pavement. No aboveground installations will be allowed, nor will any installations inside buildings be allowed.
6. A main shut-off valve will be required in the city right-of-way, at the property line, on the main service line feeding the property. If a combination main service/fire line is installed,

## Regulations Governing Domestic Water Service

the main shut off valve may be located on the property, in a location approved by the Fire Marshal, and the developer/property owner shall be responsible for installation, maintenance and operation of the entire water service and all appurtenances from the water main in the public street up to and onto the property with the exception of the water meter itself (see Item 8 below). The City shall have the right to operate the main shutoff valve at the property line at all times or in the case of a fire line, the main shutoff valve on the property.

If a separate main service line is installed, the City will maintain and operate the service line from the water main to and including the main shutoff valve at the property line.

7. The developer/property owner shall install and maintain an approved backflow prevention device, in accordance with Chapter 8.20 of the Lake Havasu City Code, on each metered service line feeding each unit, unless an approved backflow prevention device is installed near the property line onsite on the main water service line. Said backflow prevention device shall be located on the private property after the meter but as close to the meter as possible. This backflow prevention device shall be in addition to any cross-connection control devices required by the International Plumbing Code.
8. The City shall only be responsible for the installation, maintenance and operation of the meter itself, including the isolation valves located on each side of the meter. The developer/property owner shall be responsible for the installation, maintenance and operation of all other water facilities onsite, including any improvements constructed above or around the water facilities and the meter. The City shall retain ownership of the meter, isolation valves and meter box. The installation of the appurtenances for the water service (i.e., meter, isolation valves, shutoff valve, backflow prevention devices, meter boxes, etc.) and for the water service itself shall be in accordance with Lake Havasu City standards. If a combination main service/fire line is installed for the potable water services, all materials for the line and appurtenances shall meet Lake Havasu City standards for potable water service and fire lines. The developer/property owner shall further be responsible for the protection of the meters and the enclosures in which they are located. The metered services may be tapped off the onsite fire line or a separate main service line. If a separate main service line is installed, the City will be responsible for the maintenance and operation of this line from the water main to and including the shutoff valve at the property line.

At the developer/property owner's option, the City will install the main service line (if it is a separate service line) in the public right-of-way from the water main to and including the main shutoff valve at the property line. The property owner/developer will be responsible to pay for all costs associated with the installation, on an actual cost basis using fully burdened hourly rates and material costs delivered to the job site.

9. The City may at any time in the future install at the developer/property owner's sole expense, a master meter on the main line and remove the individual meters if illegal connections or other violations of these regulations occur or, in the alternative, shut off water service at the right-of-way line if these violations occur. The City shall give developer/property owner ten (10) days notice of intent to exercise its rights under this paragraph. Owner will have the opportunity for a hearing before the City Manager or his designee by contacting the Public Works Director or designee within the ten (10) day

## Regulations Governing Domestic Water Service

notice period. Additionally, the City may shut off any individual water meters as set forth in Section 8-11 herein.

10. Fees. Any installations pursuant to this section shall be subject to all applicable fees, charges, rates and development fees. Standard meter installation fees will be charged for each meter placed onsite or in the public right-of-way, as set forth in Section 4 herein.

## **SECTION 4 INSTALLATION CHARGES - REGULAR SERVICE CONNECTIONS**

### **4-01 NEW SERVICES**

The following procedures must be adhered to when application is made for any new water service.

Single Family and Duplex Residential. No application for water service to undeveloped premises will be accepted unless accompanied by an application for a Grading or Building Permit on that premises. No water services will be installed on premises that do not have an active Grading or Building Permit in effect. Upon review of the Utility Services application, payment of appropriate fees, and issuance of a Grading or Building Permit, the water service will be installed.

Multi-Family, Commercial, and Industrial. The procedures outlined in the most recent version of the "Public Works Department Development Review Procedures" document, available through the Public Works Department, must be adhered to when applying for water service to any new construction on a premises.

Upon determination of the service and meter sizes and approval of the Utility Services application, the appropriate fees must be paid prior to scheduling the installation of the service. No water services will be installed on premises that do not have an active Grading or Building Permit. Charges per connection will be in accordance with OPP #5.101.

Charges per connection for service of meters one inch or less shall be in accordance with OPP #5.101.

Charges per connection for service meters larger than one inch shall be at actual cost using fully burdened rates. A deposit will be required, as set forth in Section 3.02 herein, for installation of meters larger in size than 1-inch in accordance with OPP # 5.101. After meter installation the District will refund any unused deposit within 20 days. If actual cost exceeds the deposit, the applicant will be billed the extra amount which shall become immediately due and payable within 20 days. Should payment not be made within 20 days, water service shall be discontinued until the bill, together with an additional charge for restoration of service, is paid.

Should it become necessary for pavement to be removed for installation of City connections, there will be an additional fee for the replacement of such pavement. These charges will be billed at actual cost using fully burdened hourly rates.

### **4-02 RELOCATION**

The charge for the relocation of service connections shall be at actual cost using the fully burdened hourly rates for labor and equipment, and the cost of materials. Payment shall be made as set forth in Section 4-01(b) herein.

## **SECTION 5 HYDRANT METERS**

### **5-01 GENERAL PROVISIONS**

Upon application to the District, water may be procured from fire hydrants. The original receipt issued shall serve as a permit to receive water only from designated hydrants. The applicant shall specify, in the application for the meter, the hydrant location or locations to be used and shall submit the required deposit in accordance with OPP # 5.105. Such deposit, less the amount of any water fees due and payable, shall be refunded to the applicant when the hydrant meter is returned to the District, and shall be forfeited in its entirety if the meter is not returned within fifteen (15) days of the District's demand for such return. The District reserves the right to require the applicant to return the meter to the District for testing at any time.

### **5-02 RESPONSIBILITY FOR METER**

The applicant shall be responsible for any loss or damage to the hydrant meter from the time it is issued until the time it is returned.

### **5-03 BILLING**

The applicant will be billed a monthly base charge together with a charge for the water used. The amount billed is immediately due and is subject to all rules as set forth in Section 8-07 herein, Meter Reading and Billing.

The applicant will be responsible for submitting the meter for reading, to the Public Works Water Division Office no later than the tenth (10th) day of the month. Failure of any applicant to submit the meter for reading as provided for herein shall result in the immediate cancellation of the applicant's permit and demand for the return of the hydrant meter. Any new application for a hydrant meter filed by such an applicant may, in the sole discretion of the Finance Director, require a deposit in excess of the amount as set forth in Section 5-01 herein.

## **SECTION 6 PRIVATE FIRE PROTECTION SERVICES**

### **6-01 GENERAL POLICY**

When an automatic fire sprinkler service connection is installed, the control valve thereon will be left closed and sealed until a written request to turn on the water is received from the water user and approved by the Fire Marshal's office. The District shall not be liable for damage of any kind or any reason that may occur on or to the premises served.

A Backflow Prevention Device pursuant to Lake Havasu City Code Chapter 8.20, incorporated by reference herein) must be installed on all automatic fire sprinkler service connections and equipped with a bypass, except as provided for by Arizona State Statutes. The District's responsibility ends at the discharge side of the valve or corporation stop used to tap into the water main.

### **6-02 INSTALLATION CHARGE**

The charge for a hot tap for a private fire protection service installation is in accordance with OPP # 5.106. Payment and refund shall be made as set forth in Section 4-01(b) herein.

### **6-03 CONDITIONS OF SERVICE**

- (a) The applicant agrees that District employees, upon proper identification, may enter the premises to make inspections and tests of said fire protection system on demand and that they shall be accompanied by the owner, or occupant, of the premises of such inspection.
- (b) Private fire protection services shall be used for no other purposes than the discharge and use of the water through automatic or manual means for the extinguishing of fires; and it shall be unlawful to install on said systems any taps, hose bibs or outlets from which water may be drawn for other uses.

### **6-04 PENALTIES FOR MISUSE**

Whenever the District ascertains that water from a private fire protection service is being used for purposes other than for fire extinguishing purposes or the testing of the fire line, the General Manager may make a determination of the quantity of water used and the quantitative rates applicable and such determination shall be conclusive.

If water is used for purposes other than permitted herein, the District may discontinue the private fire protection service or may install a domestic or fire flow meter, at the water user's expense, and thereafter the service shall be classified as a regular service and be billed at the appropriate rate applicable and the District shall be held free from liability for damage which may result from discontinuance of service.

## **SECTION 7 BACKFLOW PREVENTION**

### **7-01 GENERAL POLICY**

There shall be no connections installed, located, maintained or operated between the water supply system of the District, including its appurtenant mains, pipes, fixtures and equipment, and any other water supply system which might cause contamination or pollution of the water and physical parts of the District's water supply system. The District shall have the right to discontinue the supply of water to the premises where this condition exists.

### **7-02 PROTECTION FROM BACKFLOW**

Water service connections shall be protected from the hazards of backflow pursuant to Lake Havasu City's Backflow Ordinance in Chapter 8.20 of the Lake Havasu City Code, incorporated by reference herein.

### **7-03 INSTALLATION AND MAINTENANCE OF DEVICES**

Backflow preventive devices of an approved type shall be installed and maintained by and at the expense of the water user.

### **7-04 DISCONTINUANCE OF SERVICE**

Water service to any premises may be discontinued by the District after reasonable notification if unprotected cross-connections exist on the premises, or if a defect is found in an installed backflow preventive device or if a backflow preventive device has been removed or bypassed, or if an installed backflow prevention device has not been properly maintained pursuant to Chapter 8.20 of the Lake Havasu City Code and service will not be restored until such conditions or defects are corrected.

Discontinuance of service may be summary, immediate and without notice whenever, in the judgment of the General Manager, such action is necessary to protect the purity of the water supply or the safety of the water system, and the General Manager's determination shall be final and conclusive.

## SECTION 8 WATER SERVICE

### 8-01 GENERAL POLICY

- (a) Shortage of Water Supply and Interruption of Service. The District shall exercise reasonable diligence and care to furnish and deliver a continuous and sufficient supply of water to the water user, and to avoid any shortage or interruption of delivery. The District will not be liable for interruption or shortage or insufficiency of supply, or any loss or damage occasioned thereby, if caused by accident, act of God, fire, strike, riot, war, or any other cause not within its control including, but not limited to; restrictions imposed by City Ordinances or Mandates by the Federal or State government .
- (b) Right to Temporarily Suspend Service. The District, whenever necessary for making repairs or improvements to its system, shall have the right to suspend temporarily the delivery of water. Notice, as circumstances will permit, shall be given to water users, and the making of repairs or improvements shall be concluded as rapidly as practicable, and, if practicable, at such times as will cause the least inconvenience to the water users.
- (c) Water Pressure Conditions. The signing of an application for water connection(s) or for water service shall be prima facie acceptance and consent to such conditions of pressure and service as may from time to time exist under the current operating practices prevailing on the water system of the District, at the location of the service connection(s), and the applicant agrees to hold the District harmless from any and all damages caused by or arising out of low, high or fluctuating pressure or interruption of service. The District assumes no obligation to serve water to elevations higher than its existing facilities serve.

Due to topography and other causes, the pressure is not uniform over the territory the system serves, and the District reserves the right to change to different pressures in various areas served. However, it shall be the aim and attempted function of the District to maintain adequate pressure at all existing services. Water users dependent upon a continuous water supply should maintain adequate storage for emergencies.

Water users having water heaters, boilers, or other devices requiring a continuous water supply should take all necessary action to prevent damage or the causing of injury to such devices as a result of the shutting off of the water supply.

- (d) Obstructing Meter Boxes. It is a violation of these Regulations to damage or interfere with, or to place dirt, trash, leaves or lawn cuttings or other obstructions on or over water meters or meter boxes. It is expressly forbidden to place garbage or rubbish boxes, cans, or barrels on them, and to park or cause to have parked any vehicle on or over a meter box. Any damage to the meter caused by such obstruction shall be at the cost of the water user. Any obstruction may be removed with proper written notice given to account holder/ property owner, as to provide district employee with access to the meter box, all cost(s)

associated with removal of obstruction will be the responsibility of the account holder/ property owner.

- (e) Damage to Meters by Hot Water. Water users shall be liable for damage which may result from the backing up of hot water from the water user's premises to the water meter. Should such damage occur, the water user shall be notified to correct the plumbing condition causing such damage and shall be assessed and charged for the cost of repairs to the water meter. Should the condition not be corrected and the meter repair bill not paid within 10 days after notice, the water service for said premises shall be shut off, and service shall not be restored until said bill is paid together with a charge for restoration of service.

### **8-02 CHANGES IN WATER USER'S EQUIPMENT**

Water users making any material change in size, character or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the District a written notice of the nature of the change.

### **8-03 NOTICES**

Notices from the District to a water user will normally be given in writing and either mailed or delivered to the user at the last known address. Where conditions warrant and in emergencies, the District may resort to notification either by telephone or messenger. Notices from the water user to the District may be given orally or in writing at the District's office.

### **8-04 CHANGES IN DISTRIBUTION SYSTEM**

Any person making improvements or changes which will result in cutting, refitting, relocating, raising or lowering of service connection(s), water main(s), fire hydrant(s), pipe stand(s), meter(s), valve(s), or other parts of the water system, will indemnify the District for all costs incurred by the District in making such changes.

When the location of a meter is changed at the water user's request, the cost of making such changes will be at the expense of the water user.

### **8-05 RESALE OF WATER**

Water users, with the exception of properly licensed bottled water companies, may not resell water received from the District, nor deliver or cause to be delivered, water to premises other than those described in the application for service. If the property described in the application for service is divided into two or more parcels, new applications for service shall be filed.

### **8-06 UNAUTHORIZED USE OF WATER OR THE WATER SYSTEM**

- (a) It is a violation of these Regulations to:

## Regulations Governing Domestic Water Service

1. Tap or make any connection into the District mains or public or private fire protection services without first obtaining the appropriate written permissions and permits from the District, and paying all associated fees and other costs;
  2. Open the valve or extract water from fire hydrants except for the suppression of fire, or except when written consent is given by the District for temporary construction water use;
  3. Cause or permit the waste of water from the District water system or to maintain or cause or permit to be maintained any leaky outlets, apparatus or plumbing fixtures through which water is permitted to drop or run to waste;
  4. Use water for washing sidewalks and driveways in a manner that prevents the usual and customary use of public streets and sidewalks by others;
  5. Permit water sprinklers to spray onto sidewalks and street or to permit water to run from the water user's property onto public sidewalks and streets to cause risk and/or damage to the public or to public and private property.
  6. Use an irrigation meter for any purpose other than as defined in Section 1-8 herein.
  7. Take or attempt to take water for any purpose from any location within the District's water system or service area without prior written approval from the District.
- (b) Should a water user turn on the water supply, or suffer or cause it to be turned on without first having made an application and paid the required fees, the user, as identified by the District on a case by case basis i.e. but not limited to: property owner, contractor, tenant will be held liable for all charges for water service rendered and all costs for damage to any District or other public facilities arising out of this action, the amount thereof to be determined at the election of the District, based on historical use. If all charges for water and damages are not paid within 24 hours of written notification of such charges, the District will file a report with the Police Department.
- (c) The District assumes no responsibility for the delivery of water through private pipelines or for any damage resulting from the operation of same.

### **8-07 METER READING AND BILLING**

- (a) Rendering of Bills. Bills for water service shall be based upon meter readings at intervals designated by the District. The present interval is monthly meter readings and monthly billings. Billings are mailed to the mailing address as provided by the customer.
- (b) Notification of Mailing Address. It shall be the customer's responsibility to promptly notify the District of any change in mailing address. Failure to provide a valid mailing address which causes billings to be returned by the postal service may result in discontinuance of service.

## Regulations Governing Domestic Water Service

- (c) Minimum Charges. For service started anytime during a month, the full month's minimum charge will be assessed.
- (d) Payment of Bills. During each month the District shall mail a statement covering charges for all water received by the water user during the preceding month, which charges are due and payable immediately. If charges are not paid by the 20th day after the date of the billing, they shall become delinquent and a penalty of 10 percent of the amount of the bill shall be added. For each successive 20-day period that the bill remains unpaid, an additional 10 percent penalty of the amount of the unpaid balance shall be added.
- (e) Payment under Protest. A user may present a claim to the District if the user believes they may have received an incorrect water bill. Such claim shall be presented in person or in writing at the District Office before such bill becomes delinquent provided that the user may make a claim following payment of the bill and payment shall not prejudice the claim. Such claim shall not exempt the user from delinquent penalties if the bill is not paid on time.
- (f) Discontinuance of Service. When a bill becomes delinquent by 5 days, which shall be 25 days after billing, the District will notify the user of the delinquency which will result in discontinuance of service if not paid within 10 days. Users will have the opportunity for a hearing before the discontinuance of service by contacting the Customer Service Office. The District may, without any further notice, discontinue service until all outstanding charges are paid in full, including a charge for Restoration of Service in accordance with OPP # 5.102.

A water user having a delinquent account on one premise may not receive domestic water on a new or some other account on another premise until the delinquent account has been paid, including penalties, if any.

Any person whose application for water is accepted becomes liable for payment under appropriate rate schedule for all water and services furnished by the District subsequent to the date stipulated on the application and until such time as the applicant makes proper request to the District to discontinue the water service. It is understood that the District delivers water through its works and meters and charges for all water delivered through each meter.

Should the water service be interrupted or discontinued by the District because of the failure of the customer to pay the charges therefor, said customer shall not have service restored to the premises involved unless and until all charges which are delinquent, including penalties if any, have been paid in full. In addition, said customer will be required to pay a deposit fee as set forth with the deposit requirements in Section 3-02 herein. Further, the Lake Havasu City Finance Director shall have the authority to increase the amount of any deposit required based on a review of delinquencies and non-payments relative to such customer.

- (g) Meter Re-Reads. If the customer feels there has been an error, the customer may request that the meter be re-read. If the reading is found to be correct, the customer may be charged a fee for the re-read services in accordance with OPP # 5.103.

### **8-08 METER TEST/METER CHECK AT WATER USER'S REQUEST**

A water user may request the District to do a meter check investigating reasons for high water usage or test the meter serving the premises. If the meter is found to be functioning properly, the water user will be charged a fee in accordance with OPP # 5.103 for the test. If the meter is found to be malfunctioning, there will be no charge.

### **8-09 ADJUSTMENT OF BILLS**

- (a) An allowance for adjustments may be made on a leak, either for an underground leak or where there is no discoverable cause for the excess water usage. The adjustment will be calculated based on the excess usage caused by the leak at the lowest rate step currently in effect. No more than two such adjustments will be made to a user's account during a 12 month period. To be eligible for this adjustment, the customer must have requested the district investigate the service location within 30 days of the receipt that includes the excessive billing due to a discovered leak.
- (b) For Meter Error. When a water meter is found to be out of order, the charge for water will be based, at the option of the District, on one of the following:
1. The average monthly consumption for the last three preceding months, during which the meter is known to have registered correctly; or
  2. An estimate of consumption based either upon the water user's prior use during the same season of the year or upon a reasonable comparison with the use of other water users receiving the same class of service during the same period and under similar circumstances and conditions; or
  3. On the consumption as registered by a substitute meter; or
  4. When a meter is covered or otherwise inaccessible so that it cannot be read, an average bill will be rendered and accumulated errors, if any, will be adjusted when the meter is first thereafter read as set forth in Section 8-09(d) herein.
- (c) Upon Meter Test
1. If a meter tested, as set forth in Section 8-08 herein, is found to be registering more than 5 percent fast, another meter will be installed and the District will refund to the water user the overcharge based on corrected meter readings of the period the meter was in use, but not to exceed a period of three months immediately preceding the request for the meter test.

2. When a meter is tested and is found to be registering more than 25 percent slow, the District may bill the water user for the amount of the undercharge based upon corrected meter readings for the period the meter was in service but not to exceed a period of three months immediately preceding the request for the meter test.

## **8-10 MULTIPLE DWELLING UNITS**

The minimum meter size for multiple dwelling units is determined based on Fixture Unit Counts. The size of the meter will be based upon criteria and selection charts provided by the meter manufacturer. The maximum meter size will be based upon the accuracy of the flow meter at the required Fixture Unit Counts, in accordance with the manufacturer's criteria.

## **8-11 DISCONTINUANCE OF SERVICE**

- (a) General Policy. A water user making application for domestic water service for specific premises will be billed for water service to said premises until he orders the service discontinued.

The District shall have the right to discontinue service to a water user for the latter's failure to comply with, or violation of, or any infraction of any of these Regulations or Amendments or Additions thereto, which may then be in force. A reasonable effort will be made to notify the water user, however, a notice is not necessary when the non-compliance or violation or infraction of the Rules and Regulations by the water user results in, or is likely to result in, a dangerous or unsanitary condition on the water user's premises, or in the District's water system or elsewhere, or where discontinuance is necessary to protect the District from fraud, imposition, loss or abuse.

- (b) With Notice

1. Non-Payment of Bills. A water user's service may be discontinued as set forth in Section 8-07(f) herein.
2. Returned Checks. In compliance with AZ Revised Statutes (ARS) §12-671, the District shall notify the water user that their check has been returned by their bank for the reason specified. The user will be given 12 days to recover the check in cash or cashier's check or money order. Failure to comply with this notice may result in discontinuance of water service and any further action which may be available to the District. A returned check will be assessed the current returned check charge in effect in accordance with OPP # 5.124.

If the returned check was used to make payments to restore service that was discontinued as set forth in Section 8-07(f) herein, the District will notify the water user that their check has been returned by their bank for the reason specified. The user will be given 48 hours to recover the check in cash or cashier's check or money order. Failure to comply with this notice will result in discontinuance of

## Regulations Governing Domestic Water Service

water service and any further action which may be available to the District in compliance with ARS §12-671.

Any customer having two (2) or more returned checks in a twelve (12) month period will be notified that payments for the next twelve (12) months must be in the form of cash, cashier's check or money order.

3. Unsafe Apparatus or Conditions. The District may refuse to furnish water and may discontinue service to any premises where apparatus, appliances or equipment using water is dangerous, unsafe or not in conformity with any laws or ordinances. The District may refuse to furnish water and may discontinue service to any premises to protect the purity of the water supply or the safety of the water system. The District does not assume liability for inspecting apparatus on the water user's property.
  3. Service Detrimental to Others. The District may refuse to furnish water and may discontinue service to any premises where the demand is greatly in excess of past average or seasonal use, and where such excessive demand of one water user is or may be detrimental or injurious to the service furnished to other water users. The District may refuse to furnish water and may discontinue service to any premises where excessive demands by one water user will result in inadequate service to others.
  4. Fraud or Abuse. The District shall have the right to refuse or discontinue service to any premises to protect itself against fraud or abusive conduct on the part of the water user.
  5. Wasting of Water. Where water is wastefully or negligently used on a water user's premises, the District may discontinue the service if such conditions are not corrected.
  7. Non-Compliance with Regulations. The District may discontinue service to a water user for non-compliance with any of its Regulations.
  8. Non-Compliance with Notice. Before discontinuing service for reason of unsafe apparatus, service detrimental to others, or wasting of water, or non-compliance with Regulations, the District shall present the water user a notice in writing specifying the reasons why service may be discontinued. If the water user fails or refuses to comply with said notice and remedy any condition described therein, or comply with Regulations for a period of 5 days after the presentation of the notice, then the District may discontinue water service to the water user.
- (c) Immediate. If immediate discontinuance of service is necessary to protect the purity of the water supply or the safety of the water system, or if a violation of these regulations has occurred or is occurring which results in the unauthorized use of water from the District's system, the General Manager may order immediate discontinuance of service to any water user.

(d) At Water User's Request

1. A water user may have service discontinued by notifying the District at least 2 days in advance of the desired date of discontinuance. He will be required to pay all water charges until the date of discontinuance. If notice is not given, the District may require the water user to pay for water service prior to severance of service.
2. No charge will be made for a service discontinued at the water user's request.

**8-12 RESTORATION OF SERVICE**

(a) Charges. During normal scheduled hours and with at least two working days notice in accordance with OPP # 5.102:

1. The District will charge to restore service which had been discontinued at the water user's request as set forth in Section 8-11(d) herein, in accordance with OPP # 5.102.
2. The District will charge to restore service which had been discontinued by reason of acts or conduct of the water user as set forth in Section 8-11(b) herein.

(b) Restoration without Authority. All persons are forbidden to turn on water at the meter once it has been shut off by the District, or to interfere with or remove a water meter from any service where it has been attached without first having received written permission from the District.

Should the owner or occupant of the premises turn on the meter stop or permit or cause it to be turned on after it has been turned off by the District for reasons of delinquent account or for other causes, or because ordered off by owner or former occupant, the District will again turn off the service and/or remove the meter or seal the meter stop, and a penalty shall be collected before service is restored in accordance with OPP # 5.101.

In addition, if there has been damage to District equipment, the water user's account will be charged in accordance with OPP # 5.108 for the estimated cost to repair (i.e. but not limited to; cut lock, service stop damage).

**8-13 RESPONSIBILITY FOR EQUIPMENT**

The water user shall furnish, install and keep in good and safe condition, at the user's own risk and expense, all the equipment that may be required for receiving, controlling, applying and utilizing water, and the District shall not be responsible for any loss or damage caused by the improper installation of such water equipment, or the negligence, want of proper care or wrongful act of the water user or any tenants, agents, employees, contractors, licensees or permittees of the user in installing or maintaining, using, operating or interfering with such equipment. The District shall not be responsible for damage to property caused by spigots, faucets, valves and other equipment that are open when water is turned on at the meter, either when the water is turned on originally or when turned on after a temporary turn-off.

**SECTION 9  
DISCLAIMER**

The District has no responsibility in the maintenance and operation of a water user's water system beyond the meter and point of ownership by the District. Sole responsibility and liability for the users own water system lies with the user.

The District shall be kept whole and harmless at all times of any claims resulting from matters involving quantities, pressure, quality, time or occasion of delivery, or any other phase of the maintenance, operation and service of a water user's water system.

**SECTION 10  
WATER RATES AND CHARGES FOR WATER SERVICE**

**10-01 METERED SERVICE**

For all metered services, the charge for service shall consist of a monthly base charge depending on the size of the meter and a monthly charge for the amount of water used in accordance with OPP # 5.100 for current applicable charges.

**10-02 CLOSING BILL**

Should the amount due in respect to any closing bill be less than \$1.00, such closing bill shall in that event be considered zero. No refunds for overpayment shall be issued for amounts of less than \$1.00.

**10-03 SPECIAL WATER SERVICES FOR EFFLUENT USES**

Delivery of effluent water is not the responsibility of the District. Agreements must be negotiated with Lake Havasu City's Wastewater Department and approved by the City Manager (or designee) and City Council.

**10-04 WATER SYSTEM BUY-IN FEES**

The City may from time to time conduct a rate study as a result of the acquisition of any additional water rights and/or increased service area(s.) Any applicant applying for service to be provided outside the District boundaries will be required to conduct an engineering study at their own cost to determine their impact on District operations and the proportionate share of operations and maintenance, transmission and acquisition costs to be borne by applicant. Buy-in fees will be in accordance with OPP # 5.029 for the applicant subsequent to any engineering, or related studies conducted.

**10-05 PRIVATE FIRE PROTECTION SERVICES**

For private fire protection service, rates will be determined based on size of service lateral in accordance with OPP # 5.100.

**10-06 ERRORS IN BILLINGS**

The district retains the right, under ARS §12-543, to seek recovery for errors in billing for a period of up to three (3) years from the date of discovery of the error.

**SECTION 11  
DISTRICT CREDENTIALS**

No person not an authorized officer or employee of the District shall have, wear, or exhibit any badge or credentials of the District. It shall be the duty of each officer and employee of the District, upon resignation or dismissal, forthwith to surrender and deliver to the office of the District all badges, credentials, and other property of the District.