

**LAKEVIEW MIDWAY PUBLIC WATER AUTHORITY
PO BOX 203
LAKEVIEW, AR 72642**

RULES AND REGULATIONS

Rules and regulations for the operation and conditions of service of the water system of Lakeview Midway Public Water Authority herein referred to as LMPWA”.

DEFINITIONS

APPLICANT:

Any individual, firm, partnership, corporation or other agency owning land located within the area, applying for water service as a water user.

CONSUMER:

Any individual, firm, partnership, corporation or other agency receiving water as a water user.

POINT OF DELIVERY:

The point of delivery shall be at the meter, unless otherwise specified in the water user’s agreement.

SERVICE:

The term service when used in connection with the supply of water shall mean the availability for use by the consumers of water adequate to meet the consumer’s requirements. Service shall be considered as available when the LMPWA maintains the water supply at normal pressure at the point of delivery, in readiness for the consumer’s use, regardless of whether or not the consumer makes use of it.

WATER USERS AGREEMENT:

The agreement of contract between the consumer and the LMPWA, pursuant to which water service is supplied and accepted.

WATER SERVICE:

A water service shall consist of facilities for supplying water to an LMPWA’s consumer’s property line.

WATER USER FEES:

If the organization is a non-profit authority organized under the provisions of chapter R 19, Title 64, Act 176, 1967 Revised Statutes of Arkansas, each user must be a water user of the LMPWA. The water user fee shall consist of the first connection fee paid by the consumer.

VOTING RIGHTS:

Consumers shall have one vote per service connection at any LMPWA general meeting.

DEVELOPER:

An individual or legal entity that performs human-created changes to improved or unimproved real estate including buildings or other structures, mining, dredging, filing, grading, paving, excavating and drilling.

SUBDIVISION:

The governmentally approved division of a tract of land into smaller parcels using ordinary and legally recognized methods for surveying and platting land and publicly recording the results.

GENERAL RULES

1. The supplying and receiving of water will be in conformance with these rules and applicable rate schedule. Provided, however, that such rate schedule is subject to change with the approval of the LMPWA Board of Directors. Provided further, that if the total amount derived from the collection of water charges is insufficient for the payment of operating costs, emergency repairs, or debt service, the minimum water rate shall be increased for the emergency repairs, or debt service.
2. A connection fee and a meter deposit as established by the Board of Directors shall accompany applications for water service. The connection fee will be non-refundable. The meter deposit will be maintained in a special account to insure payment of water charges.
3. When service is discontinued, any portion of the deposit remaining after current bills are paid will be returned to the consumer.
4. Applications for service that are received after the planned construction is started will be accompanied by a connection fee of not less than the costs incurred by LMPWA and the meter deposit as reflected in -2- above.
5. Before installing a service extension and providing water available to use, the LMPWA shall require the applicant to install pipe to their home and be in readiness to accept service.
6. The consumer shall install and maintain, at owner's expense, a service line, which shall begin at the property line and extend to the dwelling and other portions of the premises.

SERVICE FOR LMPWA WATER USERS:

A standard water service connection is for the sole use of the LMPWA consumer, and does not permit the extension of pipes to transfer water from one property to another, nor to resell, or sub-meter water. If an emergency or specific situation should make such an arrangement advisable, it shall be done only on specific written permission for the duration of the emergency. When a home has the water turned off because it is on the market to sell and the realtor needs water on for approximately 2 hours for an inspection they will pay a \$35 service fee for us to go out and turn it on and then go back when they are finished and turn it off.

RIGHT OF ACCESS:

Representatives of the LMPWA shall have the right at all reasonable hours to enter upon consumers premises to read and test meters, inspect piping, and to perform other duties for the proper maintenance and operation of service, or to remove its meters and equipment upon discontinuation of service by consumer.

LMPWA shall have the right, if necessary, for the installation, repair, or replacement of distribution pipe lines, or transmission lines, valves, meters, or other devices deemed necessary by LMPWA, to be granted an easement to either expand the current easement, or a new easement, if necessary, to install such items. In addition, a temporary construction easement may be deemed necessary to complete the necessary construction. In all instances, LMPWA will, to the best of its ability, replace or restore the easement to its' original condition. Please note that LMPWA is not obligated to pay for this easement.

CONTINUITY OF SERVICE:

The LMPWA will make all reasonable efforts to supply continuous, uninterrupted service. However, it shall have the right to interrupt service for the purpose of making repairs, connections, extensions, or for other necessary work. Efforts will be made to notify water users who may be affected by such interruptions, but the LMPWA will not accept responsibility for losses, which might occur due to such necessary interruptions.

The LMPWA does not accept responsibility for losses, which might occur due to interruptions to service caused by storms, strikes, floods, or other causes beyond its control.

BILLS:

Bills will be rendered for service by the 5TH day of the month, following that in which service was rendered as set forth in the rate schedule. Service bills not paid by the 15th of the month shall be subject to a 10% late charge. Failure of the LMPWA to submit a service bill does excuse the consumer from his obligation to pay for water used when bill is submitted. Failure to pay a bill by the 25th day of the month, in which the bill is rendered, shall result in the disconnection of service.

RECONNECTION CHARGE:

The reconnection charge for restoration of service, if reconnection is authorized and approved, after each suspension of service because of delinquent payment or for other infractions of these rules, shall be the unpaid amount charged to date against the consumer and a sum to cover service calls for the disconnect and the reconnection of service.

CHANGE OF OCCUPANCY:

It shall be the consumer's responsibility to anticipate changes of occupancy and notify LMPWA of such changes, otherwise, the original consumer shall be responsible for payment of service, and any balance due a customer on meter deposit will be refunded.

WATER SERVICES:

LMPWA will install all water service lines from its mains to the meters on property abutting the right of way along which the main is installed. Service pipe shall not be less than three-quarter (3/4) inch in size. LMPWA will also install and pay for the corporation stop, meter and meter setting. The meter will be set in front of the property to be served or at the closest point as designated by LMPWA.

METERS

METER ACCURACY:

Service meters, which exhibit errors less than two percent (2%) fast, or slow, shall be considered as being within the allowable limits of accuracy for billing purposes. The percentage of error will be considered as that arrived at by taking the average of the error at full load, and that at ten percent (10%) load, unless a consumer's rate of usage is known to be practically constant in which case the error at such constant use will be used.

METER LOCATION:

Meters shall be set in an accessible place on the outside of buildings except where otherwise directed by LMPWA. All meters shall be set horizontally and shall not be connected into a vertical pipe. Meters set outside of a building shall be placed in a meter box furnished and installed by the LMPWA.

REQUESTED METER TESTS:

Meter tests requested by a consumer will be performed without cost to the consumer if the meter is found to be out of tolerance as defined above. Otherwise, the consumer for whom the requested test was made will be charged for the cost of tests made.

LMPWA CONSUMER'S RESPONSIBILITIES:

The consumer shall be responsible for any damage to the meter installed for their service on account of any cause other than normal wear and tear.

MAIN EXTENSIONS:

Main extensions are the sole responsibility of the applicant and/or developer requesting such extension. LMPWA will not participate in the cost of main extensions unless it is determined that such extension will provide improvement of service to existing consumers by looping of mains. In the event it is determined that such improvements exist, LMPWA's participation shall be limited to those areas where mains cross a public access. In all cases, availability of construction funds will be the governing factor as to LMPWA's participation.

Applicants/Developers proposing Main Extensions Shall:

1. Provide LMPWA with a set of plans designed by a certified engineer in accordance with LMPWA water system specifications. Upon approval by the Board of Directors of LMPWA, plans will be sent to the State Department of Health for review, comment and approval.
2. After plans are approved, applicant/developer is responsible for installation of water lines in accordance with submitted plans by a licensed contractor at applicants/developers expense. Applicant/developer shall further agree to provide LMPWA a guarantee on the installation for one (1) year after completion of the project.
3. After the one (1) year warranty period, the extension of the water mains will become the property of and maintained by LMPWA.
4. Connection to Water Main Extensions:
 - a. Applicant/Developers shall be allowed to make connections as provided within these rules and regulations for properties under their direct control.
 - b. Any other consumer that desires to hook up and receive water from the main extension shall reimburse the applicant/developer in an amount equal to one-half (1/2) of the cost per foot of construction times the property foot frontage. After acceptance of the water main by LMPWA, LMPWA will assess said charges and forward it to Applicant/Developer for their designee.

APPLICANTS HAVING EXCESSIVE REQUIREMENTS:

In the event an applicant whose water requirements are found to exceed the LMPWA'S ability to supply it from existing plant, without adversely affecting service to other water users to an unreasonable extent, the LMPWA will not be obligated to render such service, unless and until suitable self-liquidating financing is arranged to cover necessary investment in additional plant.

CONNECTION WITH PRIVATE WATER SYSTEM:

There shall be no physical connection between any private water system and the water system of the LMPWA. Representatives of the LMPWA shall have the right at all reasonable hours to enter upon consumer's premises for the purpose of inspection and enforcement of this provision. Violation of this provision shall constitute cause for disconnection of service.

CHANGES TO RULES AND REGULATIONS:

These rules and regulations are subject to change from time to time by the Board of Directors of the LMPWA. If a provision of the rules and regulations conflict with a provision of the rate schedule, the provision of the rate schedule will prevail.

CROSS CONNECTION CONTROL POLICY:

All commercial and industrial establishments must comply with State Ordinance #1195 as well as the LMPWA Cross Connection Control Policy. The LMPWA Cross Connection Control Policy requires a backflow prevention device on all sprinkler systems and must be tested annually and the inspection report submitted to the LMPWA office.