

# Truckee Meadows Water Authority

## RULE 2

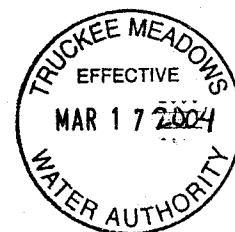
### GENERAL CONDITIONS FOR THE DELIVERY OF WATER

**A. Definitions.** Terms not defined in this Section shall have the meaning set forth in Rule 1. As used in this Rule:

1. "Excessive" as used in relation to the use, expenditure, or application of water means any immoderate or unreasonable consumption of water which results in the following:
  - a. Water running into any street, road, parking lot, gutter, drainway, swale, sewage system, or any place for the disposal of water in a steady stream or flow, or collecting in pools or in any depressed area to a depth of one inch or more; or
  - b. Using, expending, or applying the water supply provided by the Authority in a manner contrary to any water conservation regulation, policy, rule, condition, directive, or request that has been issued to the Customers of the public water system in question or that has been given general public notice by the Authority.
2. "Hand Watering" refers to the use or expenditure of water supplied to a Customer through a hose connected to a piping system while such hose is hand held and such water is used for any exterior purpose or is otherwise expended outside any dwelling, building or structure.
3. "Irrigation" means to apply or to expend water onto land, whether by channels, by flooding, by sprinkling, or any other means whatsoever, except hand watering.

### **B. Characteristics of the Delivery of Water**

1. Delivery of Water by the Authority
  - a. Quantity of Water. The Authority will supply water at the Customer's Service Connection in adequate quantities to meet the reasonable needs and requirements of the Customer, as determined by the Authority, based on information furnished by the Customer.
  - b. Water Pressure. Pursuant to NAC 445A.6711, the Authority will maintain water pressure in accordance with the following:
    - (1) Residual Water Pressure at a Service Connection will be at least:
      - (a) 20 psi, under Maximum Day Demand plus Fire Demands; or,
      - (b) 30 psi, under Peak Hour Demands; or,
      - (c) 40 psi, under Maximum Day Demands.



Added: 03/23/01 Amended: 10/01/03; 03/17/04

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c. Static Water Pressure at a Service Connection will not exceed 150 psi.

#### 2. Quality of Water Delivered

a. For all Potable Service Classifications, the Authority will provide water that meets or exceeds the safe drinking water regulations set forth by the State of Nevada Board of Health as administered by the Health Division's Bureau of Health Protection Services.

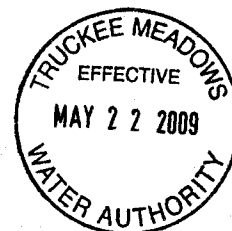
b. The delivery of water to a Customer(s) may be terminated at the sole discretion of the Authority in order to protect water quality and protect public health.

c. As a condition of delivery of water the Authority may require installation and maintenance by the Customer of certain equipment necessary to protect system water quality including but not limited to:

(1) Backflow Protection Devices. Pursuant to NAC 445A, a new or existing Service Connection may require the installation of an appropriate backflow prevention assembly. The Authority may refuse or terminate delivery of water pursuant to Rule 3 until the Applicant or Customer has installed the appropriate backflow prevention assembly and had it inspected and tested to the satisfaction of the Authority and the governmental agency having jurisdiction.

(a) All backflow prevention assembly(ies) shall be installed per the Authority's Standards, shall be annually tested as set forth in NAC 445A, and belong to the Service Property owner. The Authority shall have access to conduct inspections and tests of backflow prevention assembly(ies). The Applicant or Customer shall install the backflow prevention assembly(ies) at his expense except as otherwise provided in this Section.

(b) The Authority may require the owner of a Service Property to complete a backflow protection control survey of the plumbing system in order to ascertain health hazards and potential cross-connections. The Authority may install the backflow prevention assembly(ies) and/or may require the installation and testing of additional backflow prevention assemblies within the Service Property owner's plumbing system at the Applicant's or Customer's expense.



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#### 3. Continuity of Service

##### a. Emergency Interruptions

- (1) The Authority will make all reasonable efforts to prevent interruptions to delivery of water and when such interruptions occur will endeavor to reestablish delivery of water with the shortest possible delay consistent with the safety to its Customers and the general public.
- (2) Where an emergency interruption of delivery of water affects any public fire protection service, the Authority will promptly endeavor to notify the Fire Chief or other public official responsible for fire protection of such interruption and of subsequent restoration of normal service.
- (3) Under disaster conditions the Authority will cooperate to the fullest extent with the governmental agency having authority in the area.

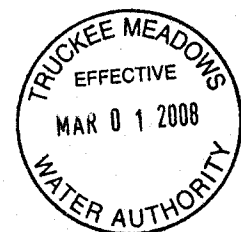
##### b. Scheduled Interruptions

- (1) Whenever the Authority finds it necessary to schedule an interruption to its delivery of water, the Authority or its designee will, where feasible, notify all Customers to be affected by the interruption, stating the approximate time and anticipated duration of the interruption. Scheduled interruptions will be made at such hours as will provide least inconvenience to the Customers consistent with reasonable Authority operations.
- (2) Where Public Fire Protection Service is provided by the mains affected by the interruptions, the Authority will promptly endeavor to notify the Fire Chief or other officials responsible for fire protection, stating the approximate time and anticipated duration. In addition, the Fire Chief or other officials responsible for fire protection will be notified promptly upon restoration of delivery of water.

c. Apportionment of Supply During Times of Shortage. During times of threatened or actual water shortage, the Authority will apportion its available water supply among its Customers with due regard to public health and safety.

d. Non-Performance. Any agreement for Service hereunder between Authority and Applicant or Customer is hereby subject to the rules of contract law as they apply to impossibility of performance in the State of Nevada.

Added: 10/01/03 Amended: 03/17/04; 03/01/05; 03/01/08



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#### **C. Water System Facilities and Services and Meter Facilities**

1. The Authority has the right to meter all Services.
2. The Authority may require a separate Service and Meter Facility for each Service Classification and for each building on a Service Property where necessary for operation, maintenance or billing purposes of the Authority, including a Service Property created by subdividing the original Service Property subsequent to the initial delivery of water to the original Service Property. A suitable Meter shall be installed at each building and owners of Service Property with multiple occupancy units may request that separate Meters be installed for each unit. Such request shall be granted where feasible for the operating convenience of the Authority and installed pursuant to the Authority's Service and Meter Facilities Rule.
3. Service and Meter Facilities and Fire Facilities shall not be used by any Person for purposes other than those specified in the appropriate application for delivery of water or the applicable Rate Schedule.
4. Fire hydrants and Private Fire Protection Services will be maintained at the expense of the owner of the Service Property.

#### **D. Loss or Damage to Service and Meter Facilities**

1. Customer shall be solely responsible for any loss or damage to Service or Meter Facilities or to Customer's facilities caused by Customer, persons residing with Customer, Customer's agent or invitees. In the event Authority's Service or Meter Facilities are damaged by Customer, persons residing with Customer, Customer's agent or invitees, Customer shall also be responsible for paying any charges associated with the repair of Service and Meter Facilities, fees as set forth in Rate Schedule SC and/or penalties or any liability pursuant to NRS 704.800 and 704.805. In addition to the foregoing, the Authority may bring a civil action for damages against any person who violates the provisions of Section 5(a) and recover a sum equal to treble the amount of the actual damages, plus all reasonable costs and expenses incurred by the public utility because of that conduct, including the cost of equipment, investigating the matter and expert witnesses and attorney's fees.
2. Customer shall, at Customer's sole risk and expense, furnish, install, inspect, and keep in good and safe condition all facilities required for: (1) receiving delivery of water from the Authority, regardless of the location of the Service and Meter Facilities, or other equipment of the Authority; and (2) applying and utilizing such Service and Meter Facilities, including all necessary protective appliances and suitable housing therefore.

Added: 10/01/03 Amended: 03/17/04; 03/01/08; 05/21/09



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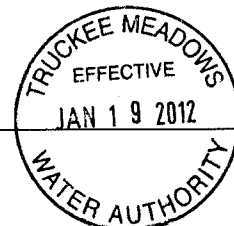
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3. Customer shall be solely responsible for the transmission and delivery of water over or through Customer's pipes, Meter(s), and equipment, regardless of the place where such may be metered. Authority shall have no responsibility for any loss or damage to Customer's receiving facilities.

#### **E. Water Waste Enforcement**

1. **Water Waste.** As a condition of service, Customers of the Authority must use water delivered through the Authority's system in a manner that promotes efficiency and avoids waste. All Customers of the Authority are required to comply with all applicable water efficiency codes. It is a violation of the Authority's Rules for any Customer to waste water as defined in this Rule. For the purposes of this Rule, the use, consumption or expenditure of water under any of the following conditions shall constitute the waste of water within the meaning of this Rule.
  - a. Wasting of water refers to any act of a Customer involving the Excessive use, application, or expenditure of water supplied.
  - b. Use of water through any Service or Meter Facility when the Customer or his agent responsible for the use of such water has been given notice consistent with Rule 3 to repair one or more leaks in any piping system or any plumbing fixture connected directly or indirectly to such Service and Meter Facility and such Customer or his agent or representative has failed to complete such repairs.
  - c. The washing of automobiles, trucks, trailers or any other type of mobile equipment, except: (1) in washing facilities operating with a water recycling system or using a non-potable water source, (2) where required by health and sanitary regulations, or (3) in conjunction with a hose to which a self-closing nozzle is attached.
  - d. The Irrigation of lawns as follows:
    - (1) Premises with even addresses – Tuesday, Thursday and Saturday.
    - (2) Premises with odd addresses – Wednesday, Friday, and Sunday.
    - (3) After Labor Day holiday weekend through Memorial Day holiday weekend – any time of day.
    - (4) After the Memorial Day holiday weekend through the Labor Day holiday weekend – any time of day except between the hours of 12:00 p.m. and 6:00 p.m.
    - (5) Nothing contained in this Rule shall prohibit:
      - (a) The Hand Watering of vegetable or flower gardens, lawns, trees and shrubs in a non-wasteful manner.
      - (b) The watering of newly seeded lawns or sod, lawns in public parks, playgrounds, athletic fields, common areas, and parkways on any day and at any time of day if done in a non-wasteful manner, subject to a variance granted annually by the Authority.

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- (d) The Authority may condition any variance with appropriate requirements, including installation of a meter.
- e. Use of water in violation of any applicable law or ordinance.
2. Water Use Restrictions During Emergency Conditions. If a water emergency is declared by Local Government(s), the Authority may implement additional restrictions on water use as defined by Local Governments. The Authority may restrict water usage beyond that established herein upon a finding that absent such further restriction there is an actual or imminent threat to public health and safety.
3. Notice of Violation and Water Waste Penalty Charges. Upon any observation of water waste at a Service Property, the Customer will be notified by the issuance of a notice of violation including assessment of the applicable Water Waste Penalty Charge. Such notice will be affixed at the Service Property in a conspicuous manner and will be mailed to the Customer. Any notice of violation that will result in the assessment of a Water Waste Penalty Charge will be sent to the Customer via certified mail. Successive violations at a Service Property by the same Customer within a calendar year will result in the assessment of a Water Waste Penalty Charge upon the Customer pursuant to this table:

1 <sup>st</sup> Violation	2 <sup>nd</sup> Violation	3 <sup>rd</sup> Violation or Greater*
\$0.00	\$25.00	\$75.00

\*A Meter will also be installed for billing purposes on any Unmetered Service for Delivery of Water to the Service Property.

Any Water Waste Penalty Charge assessed will be placed on the Customer's monthly water bill. Failure to pay the penalty may result in the Termination of Delivery of Water pursuant to Rule 3.

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#### **F. General Provisions**

1. The Authority will maintain, open for public inspection at its business offices, pertinent information regarding the service rendered, a copy of the Rules and Rate Schedules of the Authority, service area maps and forms of contracts and applications applicable to the territory served.
2. Except as otherwise provided in these Rules:
  - a. Notice to a Customer will normally be in writing and will be delivered or mailed to the Customer's last known address, or customer's last known electronic communication preference.
  - b. In emergencies, or when circumstances warrant, the Authority, where feasible, will endeavor to promptly notify affected Customer(s) and may make such notification orally, either in person or by telephone, electronically, or any other reasonable means available.
  - c. Notice from Customers shall be submitted in writing to the Authority at its business office, via the customer web portal, or by phone through a customer service representative.
3. Unless provided for in these Rules, a Customer shall not resell water received from the Authority. This provision is not intended to prevent an owner, lessee, or operator of an apartment house, hotel, office building, trailer court, or other multiple-family dwelling from recovering the cost of water from its tenants.
4. Temporary Service. The Authority may at its discretion, if no undue hardship to its existing Customers or to the Authority's water resources will result therefrom, furnish Temporary Service under the following conditions:
  - a. The Applicant will be required to pay to the Authority, in advance, all the costs of installing and removing the facilities necessary to deliver water.
  - b. Where the duration of water delivery is to be less than one (1) month, the Applicant may also be required to deposit a sum of money equal to the estimated bill, subject to adjustment and refund or repayment in accordance with actual bill due upon discontinuance of water delivery.
  - c. Where the duration of water delivery is to exceed one (1) month, the Applicant may also be required to establish credit pursuant to Authority's Rules.
  - d. Temporary water use is subject to ongoing review by the Authority to determine its impact on the Authority's water resources or Facilities, and is subject to immediate interruption or curtailment at the Authority's discretion. In the event the Authority

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determines temporary water delivery has become a permanent water use or the Customer desires to convert a Temporary Service to Permanent Service, the Customer must satisfy all conditions necessary for new or Modified Service pursuant to the Authority's Rules otherwise Temporary Service will be terminated.

5. Theft of Water or Damage to Property.
  - a. No person shall obtain any water from the Authority with the intent to avoid payment therefore, by:
    - (1) Opening, breaking into, tapping or connecting with any pipe, flume, ditch, conduit, reservoir, Fire Facilities, Meter or other apparatus belonging to or used by any other Person or by the Authority, and taking and removing therefrom or allowing to flow or be taken therefrom any water, belonging to another;
    - (2) Connecting a pipe, tube, flume, or other instrument or appliance with any pipe, conduit, tube, flume, Fire Facilities, Meter or other apparatus belonging to or used by the Authority or belonging to or used by any other Person in such a manner as to take therefrom water for any purpose or use without passing through the Meter or instrument or other means provided for registering the quantity consumed or supplied;
    - (3) Altering, disconnecting, removing, injuring or preventing the action of any headgate, Meter or other instrument used to measure or register the quantity of water used or supplied; or
    - (4) Altering, disconnecting, removing, injuring or interfering with any Meter, Fire Facilities, pipe, conduit, flume, or other attachment or apparatus belonging to or used by the Authority, without the prior consent of the Authority.
    - (5) Attempt to deter or prevent any Authority employee, by means of threat, force or violence, from performing his duty.
    - (6) Willfully or maliciously destroy or injure any property of the Authority.
  - b. The Customer shall be subject to charges under the Authority's Rate Schedule SC for each occurrence in Section 5.a.

Added: 03/17/04 Amended: 03/01/08; 05/21/09



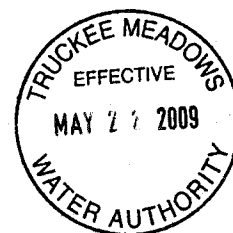


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- c. The Authority may pursue all remedies under its Rules and Rates and Nevada Law, including without limitation those set forth in NRS 197.090, 206.310, 199.300, 193.100, 704.800 and 704.805, regarding any unlawful acts by any Person related to the Authority's property, employees or delivery of water. In addition to the foregoing, the Authority may bring a civil action for damages against any person who violates the provisions of Section 5(a) and recover a sum equal to treble the amount of the actual damages, plus all reasonable costs and expenses incurred by the public utility because of that conduct, including the costs of equipment, investigating the matter and expert witnesses and attorney's fees.



Added: 03/01/08 Amended: 05/21/09