

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

MISSION COMMUNITY WATER SYSTEM  
CODE

CONFEDERATED TRIBES  
OF THE  
UMATILLA INDIAN RESERVATION

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION*  
*JULY 1999 COMPILATION*

**MISSION COMMUNITY WATER SYSTEM CODE**

**TABLE OF CONTENTS**

Section 1.	Short Title and Scope of Code .....	1
Section 2.	Definitions of General Terms .....	1
Section 3.	Sovereign Immunity .....	3
Section 4.	Service Area .....	3
Section 5.	Description of Service .....	3
Section 6.	Responsibility for Service .....	4
Section 7.	Application for Service .....	4
Section 8.	Main Extensions .....	6
Section 9.	Services .....	6
Section 10.	Meters .....	10
Section 11.	Water Rates .....	11
Section 12.	Notice .....	12
Section 13.	Billing and Payments .....	12
Section 14.	Meter Error .....	13
Section 15.	Cross Connections .....	14
Section 16.	Discontinuance of Service .....	15
Section 17.	Restoration of Service .....	17
Section 18.	Unusual Demands .....	17
Section 19.	Access to Property .....	17
Section 20.	Responsibility for Equipment .....	17
Section 21.	Fire Hydrants .....	18
Section 22.	Easements .....	18
Section 23.	Miscellaneous Violations .....	18
Section 24.	Civil Penalties .....	19
Section 25.	Suspension of Rules .....	19
Section 26.	Prior Codes .....	19
Section 27.	Saving Clause .....	19
Section 28.	Code Approval .....	19

Appendix A. Legislative History and Editorial Changes

**MISSION COMMUNITY WATER SYSTEM CODE**

*A code prescribing rules and regulations for water service of the Mission Community Water System of the Confederated Tribes of the Umatilla Indian Reservation; prescribing the rules and regulations for the conduct and operation of the water system of the said community and connection therewith; regulating and governing the use of water from said system; providing penalties for nonpayment of water service and for violation of this code and declaring an emergency.*

**SECTION 1. SHORT TITLE AND SCOPE OF CODE.**

- (1) Short Title. This code shall be known as the "Mission Community Water System Code, and may be so cited and pleaded.
- (2) Scope. The Water Department, residents of the Mission Community, and all customers receiving services from the Water Department, whether inside or outside the service area, are bound by the rules and regulations set forth in this Code.

**SECTION 2. DEFINITIONS OF GENERAL TERMS.**

When used in this Code, the following terms shall have the meanings below, except where otherwise indicated:

- (1) Applicant. Any legal entity including any person, firm, partnership, corporation, governmental agency, or agent of any legal entity, applying for water service from the Water Department.
- (2) Board of Trustees. The Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation, which is the governing body of the Tribe.
- (3) Commercial. Includes commercial, industrial, hospitals, motels, hotels, retail stores, service establishments, governmental, professional and other offices, financial institutions, restaurants, and other similar establishments.
- (4) Cross Connection. Any physical arrangement whereby a community water system is connected, directly or indirectly; with any non-potable or unapproved water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, liquid, gases, sewage, or other waste, of unknown or unsafe quality; which may; be capable of imparting contamination to the community water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and other temporary permanent, or potential connections through which, or because of which, backflow could occur, are considered to be cross connections.
- (5) Customer. Any legal entity including any person, firm, partnership, corporation, governmental agency or agent of any legal entity receiving water service from the Water Department.
- (6) Customer Service Line. The pipe, valves and facilities leading from the water meter into the premises or property served.
- (7) Dwelling. A building designed exclusively for residential purposes, including one-family; two family and multiple family residences, but not including, hotels or motels.
  - (a) Single Family Dwellings. A building used or arranged for use as the home or abode of but one family.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

- (b) Two-family (duplex). A building used or arranged for use as the home or abode of but two families, living independently of each other.
- (c) Multiple Family. A building used or arranged for use as the home or abode of three or more families, living independently; of each other and doing their own cooking in said building, and shall include flats, apartments and townhouses.
- (8) Dwelling Unit. One or more rooms designed for or occupied by one family.
- (9) Hotel. A building offering transient lodging (there being no cooking facilities in the guestrooms) and additional services such as restaurants, meeting rooms, all recreational facilities.
- (10) Mains. Distribution pipe lines, six (6") inches or larger in diameter, located in streets, highways, public ways or rights-of-way which are used to serve the general public .
- (11) Manager. Manager shall mean the person employed by the Confederated Tribes of the Umatilla Indian Reservation to manage the affairs of the Water Department including the Assistant Manager of the Water Department in the absence of the Manager.
- (12) Master Meter. A Master Meter is a meter , which measures total consumption used by the buildings served by a private water system.
- (13) Motels. A building or group of buildings on the same lot containing guest units with separate entrances and consisting of individual sleeping quarters, detached or in connecting rows, with or without cooking facilities.
- (14) Code. Code shall refer to the Mission Community Water System Code.
- (15) Private Water System. Private water System shall mean any water system, including, mains and /or service lines, that is not operated by the Water Department, serving buildings under one ownership in a commercial or industrial development or a mobile home park.
- (16) Service Connection Line. The Water system distribution pipeline from the water main to the meter including the corporation stop, curb stop, meter, meter box, and metersetter .
- (17) Tribal Plumbing Code. Tribal Plumbing Code shall refer to the technical specifications contained in the Oregon State Plumbing Code, as amended, which is hereby incorporated by reference into this Code. The Tribal Plumbing Code shall regulate and control the design, construction, quality of materials, use and occupancy, location, and maintenance, of all plumbing systems and plumbing fixtures, in all buildings or structures, and including all pipeline downstream of the meter, connected to or to be connected to the Mission Community Water System.
- (18) Tribal Standard Specifications. The latest technical specifications, approved by the Water Department Manager and on file with the Water Department, which regulate and control the design, construction, quality of materials, and location of pipelines, pumphouses, storage tanks, backflow prevention devises, and all other appurtenances of the Mission Community Water System.
- (19) Tribe. Tribe shall mean the Confederated Tribes of the Umatilla Indian Reservation and the Board of Trustees of said Tribe.
- (20) Water Department. Water Department shall be defined as the Water/Sewer Department of the Umatilla Indian Reservation which is the Tribal Agency designated by the Board of Trustees to operate and maintain the Mission Community water and Sewer Systems

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

and to review construction practices and materials for compliance with this Code, the Tribal Plumbing Code, and the Tribal Standard Specifications.

- (21) Water System. Water System shall mean the Mission Community Water System.

**SECTION 3. SOVEREIGN IMMUNITY.**

Nothing in this Code shall be construed as an express or implied waiver of the Tribe's sovereign immunity.

**SECTION 4. SERVICE. AREA.**

The area served by the Water Department shall be all that area included within Sections 9, 10, 11, 14, 15 and 16 of Township 2 North Range 33 E.W.M. of the Umatilla Indian Reservation and within 250 feet of any water main operated by the Water Department. The service area shall also include all property served by water mains operated by the Water Department without regard to their distance from the water main.

**SECTION 5. DESCRIPTION OF SERVICE.**

- (1) Ownership of System. The Mission Community Water System is solely owned by the Tribe. The Board of Trustees has the authority to regulate the operation of this non-profit water system. The Board of Trustees delegates the administration of this Code and the operation of the water system to the Water Department. All water mains, valves, fittings, hydrants and other appurtenances, except customer service lines, shall be the property of the Tribe.
- (2) Supply. The Water Department shall exercise reasonable diligence and care to deliver a continuous and sufficient supply- of water to the customer at a reasonable pressure and to avoid so far as reasonable; possible any shortage or interruption in delivery.
- (3) Quality. The Water Department shall exercise reasonable diligence to supply safe and potable water at all times. The Water Department will operate the water system in compliance with applicable regulations of the U.S. Environmental Protection agency.
- (4) Classes of Service. The classes of service shall be Residential, Small Commercial, Commercial, Standby Fire and Contract.
  - (a) Residential Services. Residential services shall consist of all services for domestic purposes to dwellings where each dwelling unit is metered. . All residential services shall be provided through a meter no greater than 1" in size.
  - (b) Small Commercial Service. Small commercial services shall consist of those services where water is delivered through meters 1" or less and used for commercial services, such as businesses.
  - (c) Commercial Service. Commercial services shall consist of those services where water is delivered through meters larger than 1" and used for commercial services, such as businesses and for multi-family; dwellings where each dwelling unit is not metered.
  - (d) Contract Service. Contract services shall Consist of those services for industrial or private water systems purposes under contracts prepared by the manager and authorized by the Board of Trustees. Contract Service shall conform with all established water rate classes, rules, and regulations, possible. Exceptions to rules will only made upon evaluation that service will be equitable to all customers.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

- (5) Special Contracts. When the applicant's requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment or capacity, the Water Department reserves the right to make special contracts, the provisions of which are different from and may have some exceptions to the regularly published water rates, rules and regulations. These special contracts shall be in writing, signed by the applicant and approved by the Board of Trustees, the Tribal attorney, and signed by the Chairman and secretary of the Board of Trustees.
- (6) Resale of water. Resale of water from the water system shall be permitted only under special contract, in writing, between the Tribe and the persons, parties or corporation selling the water.

**SECTION 6. RESPONSIBILITY FOR SERVICE.**

- (1) Limitations. All customers shall acknowledge that the Tribe is incapable of influencing acts of God, controlling hidden and unsafe practices by other customers, and preventing occurrences such as war, which may affect water service. The Tribe shall not be responsible for personal injury or property damage caused by these conditions or events.
- (2) Point of Delivery. The Tribe shall not be liable for high or low-pressure connections, chemical, bacteriological or physical conditions, interruptions, or shortage or insufficient supply or any loss or damage occasioned thereby. The use of water upon the premises of the customer shall be at the risk of the customer and the responsibility of the Tribe shall cease at the point of delivery of water. The point of delivery shall be at the customer's side of the meter.
- (3) Service Preference. In case of shortage of supply, the Water Department reserves the right to give preferences in the matter of furnishing service to customers and interests of the Water Department from the standing of public convenience or necessity water use for lawn sprinkling or irrigation may also be restricted as necessary to comply with applicable well permits. Water service to users by special contract shall at all times be subject to the prior and superior rights of the customers with the service area.
- (4) Private Water System. Private water systems shall be maintained by the legal entity responsible for the private system. The Tribe shall not be responsible for maintenance or repairs to private water systems. No water service shall be provided to private systems, which are not protected by a suitable backflow prevention device, approved by the Water Department manager, and properly maintained in Accordance with all applicable laws and regulations.
- (5) Suspension of Delivery. The Water Department, whenever it shall find it necessary or convenient for the purpose of making repairs or improvements to its system, and temporarily; suspend the delivery of water. Anything herein contained to the contrary notwithstanding, the Tribe shall not be liable for less or damage caused from the interruption in service arising from and cause.

**SECTION 7. APPLICATION FOR SERVICE.**

- (1) Application Form. An applicant shall request the provision of water service by submitting an application form provided by the Water Department. All connections shall be made by the Water Department only after the applicant has submitted and the Water Department approved an application for service provided by the Water Department. Each applicant for water service shall sign the application form provided by the Water Department. In order for the Water Department to approve the application the applicant shall state fully or provide:
  - (a) The use for which the water is wanted.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

- (b) The name and address of the owner of the property.
- (c) The number of the lot and block or the legal description and the name of street and building number of the property to be served.
- (d) The name and address of the applicant.
- (e) The full address to which bills are to be sent.
- (f) The class of service and meter size desired.
- (g) A report, prepared by a person certified by the Water Department as qualified to evaluate plumbing codes, verifying compliance of the building or site to be served with the Tribal Plumbing Code.
- (h) An executed Tribal easement form, approved by the later Department, listing the Tribe as grantee when the customer service line extends over any land not a part of the site served.
- (i) An executed right of way form, approved by the Water Department listing the Tribe as grantee when the service connection line extends over any land not already an existing right of way.
- (j) An executed permit form listing the Tribe as permitted and approved by the Water Department, since the service connection line or customer service line extends over a public right of way not granted to the Tribe, from the appropriate roadway authority granted the public right of way.
- (k) Such additional information which the Water Department may require to determine the type of service, meter size, or other information necessary for the efficient operation of the system and to best serve the community.
- (l) The full service connection charge and applicable deposit.

In signing the application, the customer agrees to abide by the rules and regulations of the Water Department. The application is merely a written request for service and does not bind the Water Department to serve. If the application is approved the Water Department will issue a permit for the construction of the service connection and the customer service line. It shall be unlawful for any person, contractor, firm, or corporation, other than the Water Department, to make any connections to the mains or pipelines of the Mission Community Water System.

- (2) Deposits and Establishment of Credit. At the time application for service is made, the applicant shall establish his credit with the Water Department.
  - (a) Establishment of Credit. The credit of the applicant will be deemed established when the applicant makes a cash deposit with the Water Department to secure the payment of bills for service. The deposit shall be a sum equal to the estimated bill for two months service but not less than the minimum deposit, for the class of service needed, set in the latest Resolution Setting, water rates.
  - (b) Deposits. At the time the deposit is given to the Water Department, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In 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 Water Department will not pay interest on any deposit.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

- (c) Forfeiture of 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 Water Department have been paid and the cash deposit replaced, together with an account reconnection service charge in the amount specified by the latest Resolution Setting water Rates.
- (3) Application. Amendments. Customers desiring a material change in the size, character or extent of equipment or operation which could result in a material change in the amount of water used shall give the Water Department written notice of such change prior to the change and the application for service shall be amended. Customers desiring a change in the size, location or number of services shall fill out an amended application.

**SECTION 8. MAIN EXTENSIONS.**

- (1) Method of Extension. Extension to the water mains of the water system may be made by the method below or by methods later determined to be acceptable by the Board of Trustees.
- (2) Individual Request Method. A person may request a water main extension approved by the Tribe. The person requesting, such extension shall pay the entire cost, which main shall thereafter be conveyed or transferred to the Tribe with the necessary right of ways.
- (3) Design of Main Extension. All water main extensions shall be designed so the size, grade, and location of such main shall provide for anticipated future development of the property in the adjacent area and for the connections which such development may generate. The design shall be prepared by a registered professional engineer and shall be approved by the Water Department.
- (4) Rights-of-Way. Where the main passes through private property, an easement and right-of-way, of width acceptable to the Water Department and of at least twenty feet, shall be granted to the Tribe for the maintenance, operation, and repairing of such main and for all water line purposes necessary or reasonably incident to the uses and purposes thereof, including any connections to the water system of the Tribe, but not limited thereto. Easements and right-of-ways or permits secured for main extensions shall either be obtained in the name of the Tribe, along with all rights and title to the main at the time the service is provided to the customers paying for the extension.
- (5) Construction Standards. The construction of all water main extensions shall comply with the Tribal Standard Specifications. The Water Department shall be given access to all construction sites, and to perform all necessary tests to inspect compliance with these specifications. Main extensions not meeting the Tribal Standard specifications shall not be accepted.

**SECTION 9. SERVICES.**

- (1) Ownership, Installation and Maintenance. The Water Department shall install and maintain all service connections and installation and maintenance shall only be performed by authorized employees of the Water Department. The customer shall own, install and maintain the customer service line. The customer shall also maintain the meter box and surrounding area and shall insulate the box during the winter to keep the meter from freezing. The customer shall be responsible for any repairs or damages to third persons as a result of not maintaining the meter box and box area. The Tribe hereby creates a right of action in third persons against any persons injured as a result of the customer's failure to properly maintain the meter box and or appurtenant area.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

- (2) Service Connection Charge. At the time the applicant files for service where no service previously existed, or if he is filing for a change in service size or location, he shall submit with his application the service connection charge.

The service connection charge shall consist of service connection fee and a hook on fee. The service connection fee is to cover the approximate actual cost to the Water Department to furnish and plumb the service from the main to, and including the meter the meter box. The hook on fee shall be a set percentage of the service connection fee and shall contribute to the water system replacement fund. The service connection charge including the hook on fee percentage shall be as determined in the latest Resolution Setting Water Rates. The service connection charge is limited to provide the Water Department Plumbing of the service connection and the set up of a water system account. The charge does not include excavation, backfill, road cutting, or patching, boring, backhoe services, roadway permits, easements, Tribal Plumbing Code report, or other items which may be required for water system connection.

- (3) Customer Responsibility for Site Work. The Water Department is the only authorized agent to make connections to the water main and to install water service line between the main and the water meter. The customer or his/her Contractor shall perform all site work necessary for the Department to lay the above pipe and make such connections. The customer shall obtain all permits, verify utility locations, and shall be responsible for all excavation, trenching, imported fill that may be necessary, backfilling, roadway cutting and patching prior to, and all restoration required after, installation of water line appurtenances. During construction the customer shall protect from damage all utilities. Should any utility be damaged or disturbed the customer shall immediately notify the owner of the damaged utility and repair the utility to the owner's satisfaction. Any damage to individuals or property as a result of site preparation shall be the responsibility of the customer. All construction shall be performed to minimize inconvenience of the public and proper precautions taken to protect the public's safety. The customer shall be required to restore the site to the condition existing prior to construction. All work shall conform with Tribal Standard Specifications and specifications of appropriate roadway and safety authorities. The customer shall be responsible for the complete installation of the customer service line including supplying materials and plumbing in accordance with the Tribal Plumbing Code.
- (4) Backhoe Availability During Service Connection. As part of the customer's responsibility for site work, the customer shall have a backhoe and operator available on site during water/Sewer Department work to assist with the Department's installation.
- (5) Special Joint Waiver of Service Connection Charge and Customer's Responsibility for Site Work. The Board of Trustees may grant a special waiver of service connection charge and responsibility for site work related to the service connection line. The waiver shall only be granted upon the execution of a Tribal project in excess of \$1,000,000 which will improve the overall water system and can be funded to provide service connections by the Tribe. The waiver shall extend to all applicants wishing to connect to the water system only during the period of the project scheduled for such work. The waiver may be limited to applicants in the area of the project. Applicants missing the time period for the waiver shall not be granted any other allowance. The waiver shall be granted by Board of Trustees Resolution as an incentive for connections by new customers. Waivers of service connection charges shall not be granted for any other reason.
- (6) Special Waiver of Customer's Responsibility for Site Work. The Board of Trustees may grant a special waiver of the customer's responsibility for site work related to the service connection line. This waiver shall only be granted upon coordination with road improvements as agreed to by the appropriate roadway authority. The special waiver shall only be granted when the road authority agrees to perform all site work related to the installation of the service connections and the work will not result in cost to the Tribe.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

The waiver shall be granted to all applicants wishing to connect to the water system within the roadway work and during the period that the roadway authority agrees to perform such work. Waivers of the customers responsible for site work shall not be granted for any other reason.

- (7) **Size of Service.** The Water Department will furnish and install a service of such size and at such locations as the applicant requests are reasonable and that the size requested is one that is listed by the Water Department. The minimum size of service line shall be one inch and the minimum meter size shall be three-fourths inch. The Water Department may refuse to install a service line which is undersized or oversized as determined by a study and report of the manager.
- (8) **Changes in Service Size.** Permanent changes in the size of the service connection line requested by the customer shall be paid by the customer on the basis of actual cost to the Water Department for making change plus the hook-up fee percentage of the actual cost.
- (9) **Length of Service.** Where the main is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served for the standard connection fee provided the length of service line does not exceed the width of the right-of-way.

Where the main is an easement or publicly owned property other than designated rights-of-way, the services shall be installed to the boundary of the easement or public property by the Water Department, provided the length of service does not exceed fifty (50) feet.

If in either case cited above, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the Water Department for labor , materials and equipment plus the hook on fee percentage.

- (10) **Joint Service Connections.** The Water Department may, at its option, serve two or more premises with one service line connection pipeline. The inside diameter of such pipeline shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed. A reduction in the service connection charge will not be allowed where a joint service connection is used.
- (11) **Meter Installation.** Every single family dwelling and each dwelling unit of a duplex dwelling shall be served by individual meters unless the service qualifies as a private Water system as specified by this Code and approved by the Manager. Multiple family dwellings, motels, and hotels, under one ownership may each be served by one meter if approved by the Manager. Private water systems shall be served by one tested meter.
- (12) **Number of Service Connections on Premises.** The owner of a single parcel of property may apply for and receive as many services as he and his tenants may require, provided his application or applications meet the requirements of this Code.
- (13) **Standby Fire Protection Service Connections.**
  - (a) **Purpose.** Standby fire protection service connections of two inch to twelve inches may be installed. A detector meter with an appropriate backflow prevention device, approved by the manager, shall be installed by the customer on all fire protection services to prevent backflow; and to insure that water for such service is not used for any other purpose. All piping on the customer's premises shall be installed in accordance with the Tribal plumbing code. Backflow prevention devices shall be installed in accordance with the Tribal Standard Specifications.
  - (b) **Charges for Service.** Charges for standby fire protection service will be stated in the latest Resolution Setting water Rates. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

testing of the fire protection system. The customers shall pay the full cost of the standby protection service collection, and required cross connection protection devices, and the detector water meter installed for the service to the standby connection plus a hook-on percentage of the actual costs of Water Department installed items.

- (c) Unauthorized Use of Water. If water is used from a standby pipe connection service for purposes other than specified, the amount used shall be computed by the Water Department based upon readings of the detector meter. The customer shall pay for the water used at the commercial volumetric rates, including the base charge for the size of the service connection line installed. The plumbing of the fire standby system shall be immediately corrected or the Water Department may cease service to the system.
  - (d) Pressure and Supply. The Tribe shall not be liable for any loss or damage caused by lack of water or pressure and agrees to furnish only such quantities and pressures as are available in its general distribution system. The fire protection water service is subject to shut down and variations as required by operation of the water System.
- (14) Fire Service Connections Other Than Standby. A service having fire protection facilities on the premises and water for other purposes flowing through the same service connections shall be considered an ordinary service and metered as such. All water used through that service regardless of use will be charged at the regular rates. The fire service connection shall be protected from other premise plumbing by the installation of a cross connection protection device approved by the manager.
- (15) Temporary Service Connections. For water service of a temporary nature, including fire hydrant connections, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials plus a reasonable depreciation charge for the use of equipment and material furnished by the Water Department. The applicant shall also pay his water bill in advance and based on an estimate of the quantity to be used or he shall otherwise establish satisfactory credit.
- (a) Time Limit. Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the Water Department.
  - (b) Charge for Water Served. Charges for water furnished through a temporary service connection shall be based upon the class of service needed and at the established rates set forth in the latest Resolution Setting Water Rates.
  - (c) Installation Charge and Deposits. The applicant for temporary service will be required:
    - (i) To pay the Water Department in advance, the estimated cost of installing and removing all facilities necessary to furnish each service, plus hook on fee percentage. For fire hydrant connections the service connection fee shall be as set in the latest Resolution Setting water Rates.
    - (ii) To deposit an amount sufficient to cover bills for water during the entire period such temporary service maybe used, or to otherwise establish credit approved by the Water Department. In no case shall this cash deposit be less than the amount set in the latest Resolution Setting water Rates for temporary service.
    - (iii) To deposit with the utility an amount equal to the value of any equipment loaned by the Water Department to such applicant.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

- (d) Responsibility for Meters and Installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the Water Department. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit fund. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.
- (e) Backflow Prevention Device. Customers approved to use a fire hydrant as a temporary connection are required to use a backflow prevention device as part of the connection equipment supplied by the Water Department. The requirement of a backflow prevention device at other temporary connections shall be at the discretion of the Manager. The customer shall pay all costs for the use of any backflow prevention device used including, all device testing.
- (f) Exclusive Use. Only the applicant designated on the application for service and approved for temporary service, may use such service, and it shall be a violation of this Code for any other person, firm, corporation, or other entity to use such service, or for the applicant to allow such other use.
- (g) Fire Department Use. The Umatilla Tribal Fire Department and other assisting Fire Departments shall be allowed to connect to fire hydrants and use water in reasonable quantities for fire fighting and fire fighting practice without charge for the connection or the water used. The Water Department may require all such fire departments to report all use of water, time of connection, scheduled practices, and other information necessary to efficiently operate the water system.

(16) Customer's Plumbing.

Plumbing Code. The customer's plumbing which shall include the customer's service line and all plumbing, piping fixtures and other appurtenances carrying or intended to carry water, sewer, or drainage, shall comply with the Tribal Plumbing Code. The Manager shall require a report indicating compliance with this code of any site connected to the water system prior to providing permanent service to the site. The customer is required to pay all costs associated with obtaining this report. The report must be prepared by a person approved by the Water Department as being qualified to evaluate the Tribal Plumbing Code.

SECTION 10. METERS.

- (1) Ownership. The Water Department will own and maintain all water meters. The Water Department will not pay rent or any other charge for a meter or other water facilities including housing and connection on a customer's premises.
- (2) Installation. Installation of water meters shall be performed only by authorized employees of the Water Department. All meters shall be sealed by the Water Department at the time of installation and no seal shall be altered or broken except by one of its authorized employees.
- (3) The Size and Type of Meter. Applicant may request and receive any size meter regularly stocked or furnished by the Water Department provided the request is reasonable and further provided that the meter is not greatly oversized or undersized as determined by the water Superintendent. The Water Department reserves the right to determine the type of meter to be installed.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

- (4) Location of Meters. Meters shall normally be placed at the curb or property lines at a location approved by the Water Department. The meters will not be located in driveways or other locations where damage to the meter or its related parts may occur.
- (5) Joint Use of Meters. The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited.
- (6) Changes in Size or Location. If for any reason a change in the size of a meter and service is required the installation will be accomplished on the basis of a new connection and the customer's application shall be amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.
- (7) Customer Responsibility for Meters. Customers shall keep their premises adjacent to the meter free from all rubbish or material of any kind, which would prevent employees of the Tribe from having free access to the meters. The customer shall also protect the meter against freezing by insulating the meter box during freezing weather. The customer shall notify the Water Department immediately if a meter is frozen. The Water Department will replace the frozen meter and the customer agrees to pay for the actual cost of such replacement plus any water consumption charges estimated by the Water Department during the time the meter is not functioning.

**SECTION 11. WATER RATES.**

The service connection charges, monthly water rates, and other charges shall be as specified in the current Resolution Setting water Rates. Every service shall be charged a monthly base charge (monthly minimum charge) and a volumetric charge based upon the amount of water used, for the class of service provided. The monthly base or minimum charge shall be the sum of the meter charge and a fire flow availability charge for the service. The charges shall be based upon the following criteria for each class of service:

- (1) Meter Charge. This charge shall be based upon the size of the meter provided. The Water Department shall calculate the meter charge based upon the cost for meter and service connection operation, maintenance and replacement. The charge shall also account for costs related to sizing the water system to provide customer peak demands, which is related to the meter size.
- (2) Fire Flow Availability Charge. This charge shall be applied for each 500 gallons per minute of fire flow needed based upon Water Department calculations of needed fire flow as provided by the Fire Suppression Rating Schedule edition 6-80 of the Insurance Services Office. This calculation shall be done on the largest building on the site served with water. Fire flow requirements shall be 500 gallons per minute for residential and for small commercial service connections regardless of the needed fire flow calculation. The fire flow availability charge shall be assessed for each residence for private water systems with only residential service (such as mobile home parks). In the case that the building for which the calculation is performed has a fire sprinkler system, the charge based upon such calculation shall be reduced by 50%. This credit shall be given only during each year that the customer has a certification of fire sprinkler test, from a licensed fire sprinkler technician and certified by the Umatilla Tribal Fire Department, that the fire sprinkler system is in working order. The fire flow availability charge shall be calculated by the Water Department based upon the cost for operation and maintenance of fire hydrants and for the cost of sizing the water system to provide fire flows.
- (3) Volumetric Charge. This charge shall be assessed upon the quantity of water consumed per 100 cubic feet. The Water Department shall calculate volumetric charge based upon the cost of water system operation and maintenance which are related to the quantity of water delivered (commodity related costs) including pump electrical costs and treatment chemicals.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

SECTION 12. NOTICE.

- (1) Notices to Customers. Notices from the Water Department to the customer will normally be given in writing and either mailed to or delivered to him at his last known address. Where conditions warrant, and in emergencies, the Water Department may notify either by telephone or messenger. Notices regarding water quality will be Provided in accordance with applicable U.S. Environmental Protection Agency regulations.
- (2) Notices from Customers. Notices from customer to the Water Department may be given by the customer or his authorized representative orally or in writing at the office of the Water Department or to an agent of the Water Department duly authorized to receive notices or complaints.

SECTION 13. BILLING AND PAYMENTS.

- (1) Meter Readings. Meters will be read and customers billed on the basis of the meter reading to the nearest 100 cubic feet. The Public Works Department will keep an accurate account on file of all readings of meters and such kept account shall be offered at all times, places and courts as prima facie evidence of the use of water service by the customer.
- (2) Rendering of Bills.
  - (a) Billing Period. All meters shall be read at the end of the month and billing information shall be delivered to Accounting by the closing of the 2nd working day of the following month. Accounting shall send billing statements to the customers no later than the 10th day of the following month.
  - (b) Bills for Other Than Normal Billing Period. Opening or closing bills or bills that for any other reason cover a period containing 10 percent more days or 10 percent less days than in the normal billing period shall be prorated.
- (3) Disputed Bills. When a customer disputes the correctness of a bill, they shall deposit the amount of the disputed bill at the time the complaint is lodged to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service as provided under subsection (6) of this section.
- (4) Failure To Read Meters. In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of thirty (30) days per month and the total water consumption for billing purposes for that period shall be estimated.
- (5) Payment of Bills. Each bill rendered shall contain a statement that payment is due by the 25th of the month. If the bill is not paid prior to the closing of the working day, the account shall be considered delinquent, unless other arrangements, in writing, have been made with Public Works and Accounting that specify another due date. If the 25th of the month falls on a weekend or holiday, then payment must be received at the closing of the working day prior to the 25th of the month.
- (6) Delinquent Accounts.
  - (a) Second Billing. If payment has not been received by Accounting prior to or on the 25th day of the month, a second billing (delinquent notice) will be sent by Accounting to each delinquent account within two (2) working days after the account becomes delinquent. Each delinquent notice shall contain a statement that payment is due by the 5th of the following month or service will be

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

discontinued. If the 5th of the month falls on a weekend or holiday, then payment must be received at the closing of the working day prior to the 5th of the month.

- (b) **Reminder Notice.** If payment has not been received two (2) days prior to when the second billing payment is due, Accounting will notify Public Works. An agent of Public Works will deliver a written reminder notice to the customer's door the morning prior to the day that the second billing payment is due. This notice will state: their account is delinquent; payment is due to Accounting prior to or on the closing of the 5th day of the month; if payment is not received their service will be discontinued; and a service reconnection charge will also be rendered. A delivery of the reminder notice to the premise served by the meter shall be considered a delivery of notice to the customer.
  - (c) **Shut-Off Notice.** If payment has not been received by Accounting for the second billing prior to or on the 5th day of the month, an agent of Public Works shall deliver a written shut-off notice to the customer stating that water service is being turned off until Accounting has received payment for all delinquent amounts and the service reconnection charge. The agent of Public Works shall immediately thereafter shut-off the service. A delivery of the service shut-off notice to the premise served by the meter shall be considered a delivery of notice to the customer.
  - (d) **Service Reconnection Charge.** In all instances where water has been shut-off because of delinquent accounts, a service reconnection charge shall be made for the restoration of service. The service reconnection charge shall be the amount set in the latest resolution setting water rates. Once payment of delinquent accounts and the service reconnection charge have been received by Accounting, Public Works will be notified and service will be renewed.
- (7) **Installment Payments of Delinquent Accounts.** In cases of extreme hardship, Accounting and Public Works shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount. The installment period is not to exceed the period of time the account was delinquent.

**SECTION 14. METER ERROR.**

- (1) **Meter Accuracy.** Meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of 2 percent under conditions of normal operation.
- (2) **Meter Test.**
  - (a) **Standard Test.** Meter tests will be conducted in accordance with standards of practice established by the American water works Association.
  - (b) **On Customer Request.** A customer may giving not less than seven days' notice request the Water Department to test the meter servicing his premises. The Water Department will require the customer to deposit the testing fee. This fee shall be as specified in the Resolution Setting Water Rates for meters 1-inch and smaller and for meters larger than 1 inch shall be an estimate of the cost of testing the meter as determined by the Manager. The deposit will be returned to the customer if the test reveals the meter to over register more than 2 percent. If the test determines that the meter to over register more than 2 percent under standard test conditions the deposit shall be retained by the Water Department. Customers may at their option witness any meter tests which they request.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

- (c) On Water Department Request. If upon comparison of past water usage it appears that a meter is not registering properly the Water Department may at its option test the meter and adjust the charges accordingly if the meter either over registers or under registers. No charge for meter test under these conditions.
- (3) Adjustments Of Bill For Meter Error.
- (a) Credits and Debits for Meter Error. No credits or debits will be borne by the Tribe or the customer should the tested meter show variance high or low from the accuracy defined in Section 1A, subsection (1).
  - (b) Nonregistering Meters. The Water Department will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customer's receiving the same class of service during the same season and under similar circumstances and conditions.

**SECTION 15. CROSS CONNECTIONS.**

- (1) Requirement for Backflow Prevention Device. Where the Water Department has reasonable cause to believe that an existing or potential cross connection is located on a customer's premises, or where the Water Department is prevented from inspecting such plumbing, the Water Department shall deny or discontinue service for noncompliance with this Code until an appropriate backflow prevention device assembly is installed or until the cause of the hazard is eliminated.
- (2) Customer Notification of Water Treatment. All customers shall provide written notice to the Water Department whenever they treat the water in any way or add any chemical or substance to it or when they have access to any other water system.
- (3) Criteria for Installation of Backflow Prevention Device. The Water Department shall require the customer to install a backflow prevention device on the service connection to the premises where an approved air gap does not exist and the Manager determines that any one of the following conditions exist:
  - (a) There is an auxiliary water supply which is, or can be, connected to the water system.
  - (b) There is piping for conveying liquids other than potable water, and where that piping is under pressure and is installed and operated in a manner which could cause a cross connection.
  - (c) There is intricate plumbing which makes it impractical to ascertain whether or not cross connections exist.
  - (d) There is backsiphonage potential.
  - (e) Cross connections or potential cross connections exist.
  - (f) At all private water systems.
- (4) Type of Backflow Prevention Device Required. The type of backflow prevention device required shall be commensurate with the degree of hazard which exists.
  - (a) An approved air gap of at least twice the inside diameter, but not less than one inch, of the incoming supply line measured vertically above the top rim of the vessel, or a reduced pressure backflow device assembly shall be installed where

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

the substance which could backflow is hazardous to health, such as but not limited to sewage treatment plants, sewage pumping stations, chemical manufacturing plants, plating plants, hospitals and medical clinics, mortuaries, car washes, and other facilities as identified by the Manager.

- (b) A double check valve assembly shall be installed where the substance which could backflow is objectionable but does not pose an unreasonable risk to health, as determined by the Manager. A double check valve assembly shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or which does not provide for periodic flow through during each 24 hour period.
  - (c) A pressure vacuum breaker or an atmospheric vacuum breaker shall be installed where the Manager determines the substance which could backflow is objectionable but does not pose an unreasonable risk to health and where there is no possibility of back pressure in the downstream piping. A shut off valve may be installed on the line downstream of a pressure vacuum breaker but shall not be installed downstream of an atmospheric vacuum breaker.
- (5) Lawn, Garden, Fire Sprinkling Systems. Customer lines leading to any lawn, garden, or fire sprinkling system, using water supply from the water system, shall contain an approved backflow prevention device to prevent back siphonage of water through or from the sprinkling system in the event of interruption of service. Such devices shall be installed, inspected, and tested in accordance with this Section. No lawn, garden, or fire sprinkling system shall be installed without notifying the Tribe at least 30 days prior to installation.
  - (6) Protection Against Interconnected Flow. When a customer is served by more than one meter connection or by a water source other than the water system, and the connections are interconnected on the customer's premises, a backflow prevention device, approved by the Manager, shall be installed and maintained by the customer in each of the customer's lines leading from the Tribes service connection lines.
  - (7) Backflow Protection Devices Specifications. All device assemblies installed after the effective date of these rules shall be listed on the Water Department list of approved devices and all installations shall meet the standards of the Tribal Standard Specifications.
  - (8) Testing of Backflow Protection Devices. The customer or the owner of the premises where one or more reduced pressure device assembled double check valve assembly or pressure vacuum breaker have been installed shall have the device tested at least once per year. Devices installed at facilities which pose an extreme health risk and devices which repeatedly fail shall be tested on a more frequent basis as determined by the Manager. Devices shall be tested immediately after installation and after they are moved. All tests shall be conducted by a certified tester listed by the Water Department. The tester shall provide a written report of the test to the owner or customer and to the Water Department. Owners of devices not reporting within the testing period established for their device will be notified by the Water Department that their report is overdue. Without further notice the Water Department may disconnect service for noncompliance with this Code after the first 5 days the report is overdue. The customer shall be responsible for all liabilities resulting if a device is not properly tested or malfunctions.
  - (9) Inspection of Premises. Water Department employees shall have the right to enter upon and inspect any water plumbing system receiving water from the water system. The purpose of such inspections shall be to identify any cross protection or other existing or potential contamination hazards.

**SECTION 16. DISCONTINUATION OF SERVICE.**

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

- (1) On Customer Request. Each customer about to vacate a premises supplied with water service by the Water Department shall give the Water Department written notice of his intentions at least two days prior thereto specifying the date service is to be discontinued; otherwise he will be responsible for all water supplied to such premises until the Water Department shall receive notice of such removal.

At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desires to be discontinued the meter will be read and a bill rendered which is payable immediately. In no case will the bill be less than the monthly minimum base charge specified in the schedule applying to the class or classes of service furnished.

- (2) Nonpayment of Bills. A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in Section 13, subsection (6) of these rules and regulations.
- (3) Nonpayment of Service Charges. If said sewer service charges are not paid when due by any such person firm or corporation whose premises are served or who are subject to the charges herein provided water service provided to that customer by the Water Department may be discontinued because of the default in the payment of the sewer service charges. As an additional alternative method if such rates and charges are not paid when due by any such person, firm or corporation, the amounts so unpaid may be certified by the Tribal accounting Department to the County assessor of Umatilla County, Oregon and shall be by him assessed against the premises served as provided by law and shall be collected and paid over to the Tribe in the same manner as other taxes are assessed, collected and paid over with interest. Interest on unpaid bills shall run from the due date thereof at the rate of eighteen percent (18%) per annum. Such may also be recovered in an action at law in the name of the Tribe with interest as aforesaid.
- (4) Improper Customer Facilities.
  - (a) Unsafe Facilities. the Water Department may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, may result in a cross connection, or is unsafe or not in conformity with the Tribal Plumbing Code.
- (5) Water Waste. Where water is wastefully or negligently used on a customer's premises seriously affecting the general service the Water Department may discontinue service if such conditions are not corrected after due notice by the Water Department.
- (6) Service Detrimental to Others. The Water Department may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.
- (7) Fraud or Abuse. The Water Department will refuse or discontinue service to any premises where it is deemed necessary to protect the Water Department from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the Water Department that the condition or conditions exist.
- (8) Unauthorized Turn-on. Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person the water may then be shut off at the main and the meter removed. The unauthorized turn-on shall constitute a violation of this Code and the offender charged the penalty specified for violation of this Code.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

- (9) Noncompliance with Regulations. The Water Department may upon five days notice discontinue service to a customer's premises for failure to comply with any of the provisions of these regulations.

**SECTION 17. RESTORATION OF SERVICE.**

Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges plus the account reconnection service charge and posting a deposit as herein before provided.

Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse or for noncompliance with any of the policies, rules and regulations will only be made after the irregularity has been corrected and the Water Department has been assured that the irregularity will not reoccur. The account reconnection service charge will be assessed and the cash deposit restored before the service will be reconnected.

**SECTION 18. UNUSUAL DEMANDS.**

When an abnormally large quantity of water is desired for filling a swimming pool, log pond or for other purposes, arrangements must be made with the utility prior to taking such water.

Permission to take water in unusual quantities will be given only if the Water Department facilities and other consumers are not inconvenienced.

**SECTION 19. ACCESS TO PROPERTY.**

All duly appointed employees of the Water Department under the direction of the Manager shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purposes of inspecting connections, the conditions of conduits and fixtures and the manner and extent in which the water is being used. The Water Department does not, however, assume the duty of inspecting the customer's line, plumbing and equipment and shall not be responsible therefor. Customers not allowing such access shall be disconnected from the system. Customers desiring reconnection after such disconnection shall allow access, must pay the account reconnection service charge, and must reestablish all necessary deposits before being reconnected.

**SECTION 20. RESPONSIBILITY FOR EQUIPMENT.**

- (1) Responsibility for Customer Equipment. The Water Department 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 Water Department 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.
- (2) Responsibilities for Water Department equipment. Water Department equipment on the customer's premises remains the property of the Department 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 Water Department equipment on his premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.
- (3) Damage to Water Department Equipment. The customer shall be liable for any damage to a meter or other equipment or property owned by the Water Department which is caused by an act of the customer, his tenants, agents employees, contractors, licensees or permittee. Damage to equipment shall include but not be limited to breaking of seals and locks, tempering with meters, injury to meters including but not limited to damages by

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

freezing, hot water or steam, and damaged meter boxes, curb stops, meter stops and other appurtenances.

**SECTION 21. FIRE HYDRANTS.**

- (1) **Operation.** No person or persons other than those designated and authorized by the Water Department shall open any fire hydrant belonging to the Water Department, attempt to drain 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 and received water through a fire hydrant an auxiliary external valve will be provided to control the flow of water.
- (2) **Moving a Fire Hydrant.** When a fire hydrant has been installed in the locations specified by the proper authority the Water Department 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 fire hydrant must be approved by the Water Department and the Umatilla Tribal Fire Department.

**SECTION 22. EASEMENTS.**

Each applicant and user gives and grants to the Tribe permission to cross any land occupied by the applicant to install, repair, maintain, and operate all pipelines and appurtenances connected to the water system and for emergency repair of any portion of the water system. Each applicant agrees that the Water Department may inspect any portion of the water system and shall also have permission to excavate, and repair any customer service line which is not properly maintained to protect the safety of other customers of the water system. The applicant agrees to be responsible for the cost of such repairs to the customer service line.

Where the applicant's customer service line crosses land not occupied by the applicant, the applicant shall furnish an executed Easement, via a form approved by the Water Department, which grants a perpetual easement for utility purposes across such land. The Tribe may assign other utilities permission to use such easement to serve the subject property. The Tribe may also require the easement to be granted for driveway access by the Tribe and it assigns.

**SECTION 23. MISCELLANEOUS VIOLATIONS.**

It shall be unlawful for any person, firm or corporation, not authorized by the Tribe to do, commit or assist with committing any of the following things or acts on the Mission Community Water System or within the Mission Community on the Umatilla Indian Reservation.

- (1) To open or close any fire hydrant or stopcock connected with the water system of the Tribe, or lift or remove the cover of any gate, valve or shut-offs thereof.
- (2) To interfere with, destroy, deface, impair, injure or wantonly force open any gate, or door, or in any way whatsoever destroy, injure or deface any part of any engine or pump house, reservoir, standpipe, tank, building or buildings, or appurtenances, fences, trees, shrubs, or fixtures or property appertaining to the water system.
- (3) To go up or ascend the stairway or steps on any elevated water storage tank, reservoir, or standpipe of the water system.
- (4) To place any telegraph, telephone, electric light pole or any obstruction whatsoever within three feet of any fire hydrant.
- (5) To resort to any fraudulent device or arrangement for the purpose of procuring water for himself or others from private connections on premises contrary to the this Code, or other Tribal codes, regulations or codes.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

- (6) To interfere with or injure any reservoir, tank, fountain, hydrant, pipe, cock, valve, or other apparatus pertaining to the water system, or to turn on or off the water in any street hydrant or other public water fixture or to hitch or tie any animal hereto.
- (7) To make or permit to be made any connection with the main or service pipe of the water system, or to turn on or use the water of said system without first obtaining a permit therefor.
- (8) To cover over or conceal from view any water valve box, service meter, or valve meter.
- (9) To remove any water meter that has been placed by the Tribe, or to in any manner change, interfere with or tamper with any water meter.
- (10) To turn on the water supply to any building or to any supply pipe where the supply has been turned off for the nonpayment of the monthly water charge or for the violation of any rule, regulation, code, or code of the Tribe.

**SECTION 24. CIVIL PENALTIES.**

Any person violating any of the provisions of these rules and regulations shall upon judgment thereof, be fined by an amount not exceeding One thousand and No/100 (\$1,000) Dollars and shall also be liable for any, actual damages caused to the water system, the Water Department, or any of its property-. Every day the violation continues or is permitted to continue, in violation of this Code, shall be considered a separate offense. Violations under this Section shall be tried in the Tribal Court of the Umatilla Indian Reservation as a civil case. In any action authorized by this Section, if the Tribe prevails, the Tribe shall recover reasonable attorney's fees set by the Court in addition to all other costs and disbursements. These fees shall be recoverable at all levels of trial and appeal.

**SECTION 25. SUSPENSION OF RULES.**

No employee of the Water Department is authorized to suspend or alter any of the polices, rules or regulations in this Code without specific approval or direction of the Board of Trustees except in cases of emergency involving loss of life or property or which could place the water system operation in jeopardy.

**SECTION 26. PRIOR CODES.**

The provisions of any prior code, regulation, or code of the Tribe that may be in conflict with any of the rules, regulations herein contained, are hereby superseded to the extent that they are in conflict.

**SECTION 27. SAVING CLAUSE.**

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

**SECTION 28. CODE APPROVAL.**

It is hereby adjudged and decreed that existing conditions are such that this Code is necessary for the immediate preservation of the public peace, health and safety of the Mission Community of the Umatilla Reservation and an emergency is hereby declared to exist and this Code shall take effect and be in full force and effect from and after its passage on this 15<sup>th</sup> day of April, 1992.

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

APPENDIX A  
LEGISLATIVE HISTORY AND EDITORIAL CHANGES

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
JULY 1999 COMPILATION*

**MISSION COMMUNITY WATER SYSTEM CODE**

**LEGISLATIVE HISTORY AND EDITORIAL CHANGES**

The Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation enacted the Mission Community Water System Ordinance in Resolution 92-25 (April 15, 1992). It has been amended once.

The water rates and related fees charged for the Mission Community Water System are not contained within the ordinance. Rather they have been enacted and amended by separate Board of Trustees resolutions. The Rates and Fees were initially enacted by Resolution 92-26 (April 15, 1992). The Rates and Fees have been amended three times, by the following resolutions: Resolution 96-106 (December 18, 1996), Resolution 97-06 (February 5, 1997), and Resolution 97-59 (October 7, 1997).

As of June 1999, a new code is being developed which would repeal and replace the Mission Community Water System Ordinance. The working title of this proposed code is the "Water and Sewer Code." Under current plans, this new code may be enacted by the Board of Trustees as early as the fall of 1999. Any changes that take place will be reflected in the next edition of *Statutes of the Confederated Tribes of the Umatilla Indian Reservation*.

Following enactment of the Mission Community Water System Ordinance, its provisions have been amended as follows:

<u>Section</u>	<u>Change</u>	<u>Resolution</u>	<u>Resolution Date</u>
Chapter 13, Section 1	Amended	Resolution 97-06	February 5, 1997
Chapter 13, Section 2(a)	Amended	"	"
Chapter 13, Section 2(c)	Deleted	"	"
Chapter 13, Section 5	Amended	"	"
Chapter 13, Section 6(a)-(d)	Amended	"	"

During preparation of this compilation, the following editorial changes were made to this code:

1. The title was changed from "Mission Community Water System Ordinance" to "Mission Community Water System Code."
2. The portion of the code's preamble that quotes the Board of Trustees Mission Statement and Goals was deleted.