

**Resolution No. 37**  
**Porter Mountain Domestic Water Improvement District**  
**Resolution Adopting Rules and Regulations**

**Revised, Edited and Adopted on July 19, 2025**

**WHEREAS**, the Porter Mountain Domestic Water Improvement District (the “District”) has codified various rules and regulations governing the use of its water system and connections thereto; and

**WHEREAS**, the District desires that all the rules and regulations be collected and codified in one resolution.

**THEREFORE, BE IT RESOLVED THAT** the District adopts the following Rules and Regulations governing the use of its water system and connections therefore:

**ARTICLES OF ASSOCIATION**

**RULES AND REGULATIONS**

**ARTICLE 1 - GENERAL CONDITIONS GOVERNING WATER CONNECTIONS,  
GUARANTEE DEPOSITS AND USE**

**Section 1. Functions of the Porter Mountain Domestic Water Improvement District Board of Directors.** The PMDWID has a fiduciary obligation to operate the district in a prudent and responsible manner. It shall follow the Arizona Open Meeting Law, Public Records Law and Conflict of Interest Laws in the governance of the PMDWID.

**Section 1.1. Officers and Management.** The PMDWID will be managed by a five person Board of Directors duly elected by voters who own property within the boundaries of the PMDWID and are registered to vote anywhere in Arizona. Anyone who owns property within the PMDWID and is registered to vote in Arizona is eligible to serve on the board. The board will consist of a President, Secretary, Treasurer, and two members. Board members will serve four year terms and elections must be held the first meeting each calendar year in accordance with A.R.S. Section 48-1012 and the Arizona election laws in Title 16 of the statutes. It shall be the duty of the Porter Mountain Domestic Water Improvement District Board of Directors (the “Board”) to control and manage all matters pertaining to the water system of the Porter Mountain Domestic Water Improvement District (the “District”) in conformity with all applicable federal, state, county and local laws and regulations of this resolution, and any other resolutions of the Porter Mountain Domestic Water Improvement District, Navajo County, Arizona. The Board shall have general supervision over the District’s water system, all real and personal

property connected thereto; and the employees thereof.

**Section 1.2 Connections.** Any lot within the original subdivision or in the existing annexed area will have water available.

**Section 1.3. Reserve Fund.** The District Board shall maintain a reserve fund in the amount directed by the holder of its bonds to provide for adequate cash reserves for payment of the principal and interest owing and due on the bonds and further to provide adequate cash reserves for any unbudgeted repair, replacement or maintenance required to the water system within the District.

**Section 2. Conditions for connections made to District water system.** PMDWID must provide service to customers within its boundaries on a non-discriminatory basis. It shall be unlawful for any person to connect to the water line or lines of any portion of the District's water system unless said person has:

- made proper application to connect to said water system,
- paid all fees required by the District to accompany said application, and
- said application has been approved by the proper District authorities.

All connections to the District shall be made pursuant to any rules, regulations or resolutions pertaining to the payment of connection fees. Further, all connections shall be made in compliance with any specifications adopted by the District and the Uniform Plumbing Code and subject to inspection by the district, its agents or assigns, at the time of connection. A water connection shall be deemed to have occurred when there has been a connection to a water line of the District or tributary line thereto, regardless of the terminus of said connection.

If a party outside the district requests annexation into the district, The District will take the issue to the members of the district for consideration at the annual public meeting held each July. Final approval will be decided by a majority vote of the Board of Directors.

### **Section 3. Consumer Applications for Service.**

Section 3.1. The Consumer shall make application for service, in person or by first-class mail to the District at its office, and at that time make a guarantee deposit.

Section 3.2. The District may reject any application for service when, and so long as, the applicant is delinquent in the payment of bills incurred for service previously applied by the District at any location or under a previous name.

Section 3.3. At the time of the application for service is submitted for connection to the water system the property owner shall provide evidence of compliance with all ordinances, rules and regulations of Navajo County regarding planning and zoning and the use of the property.

Section 3.4. At the time the application for service is submitted, the property owner must provide proof of ownership of the property and attach the same to the application.

#### **Section 4. Guarantee Deposits.**

Section 4.1. A deposit not in excess of two months minimum charge may be required of a consumer; however, the District may require the Consumer to increase the deposit twice the amount of any monthly bill rendered thereafter.

Section 4.2. The property owner in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished. Only the property owner may apply for services in their own name.

Section 4.3. A separate deposit may be required for each meter installed.

Section 4.4. The guarantee deposit receipt is not negotiable and can be redeemed only at the District's office.

Section 4.5. When services are disconnected and all bills are paid, the deposit will be refunded.

Section 4.6. Where the District finds that the request for a guarantee deposit refund is questionable, the District may require the applicant for refund to produce the deposit receipt properly endorsed.

Section 4.7. Upon discontinuance of service for non-payment of bills, the deposit will be applied by the district toward the settlement of the account; however, the District does not waive the right to exert any claim it may have for a delinquency against any person or customer.

Section 4.8. Variations from the terms and conditions of these provisions shall be permitted only upon the verified application by an affected party to the Board, setting forth the circumstances whereby the public interest requires such variation. The Board requires an application for such variation to be presented at a public meeting.

#### **Section 5. Installations.**

Section 5.1. The District may install its meter at the property line, or at the District's option, on the Consumer's property or in a location mutually agreed upon.

Section 5.2. When two or more meters are to be installed on the same premises for different Consumers, they shall be closely grouped and each clearly designated as to which

service each applies.

#### **Section 6. Access to premises.**

Duly authorized agents of the District shall have access at all reasonable hours to the premises of the Consumer for the purpose of installing or removing the District's property, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's service and facilities.

#### **Section 7. Construction Specifications.**

Section 7.1. All mains and distribution lines to be constructed shall comply with and conform to the Uniform Plumbing Code in effect at the time of construction.

Section 7.2. There must be a meter, which will be provided by the District, installed in all service connections.

### **Article II - FEES AND CHARGES, ACCOUNTING AND REPORTING**

#### **Section 1. Minimum Charges; Taxes.**

Section 1.1. The initial or minimum charge as provided in the rate schedule, shall be made for each meter installed, regardless of location. Each meter installed shall require a separate meter reading sheet and each meter reading sheet shall cover a separate and individual account.

Section 1.2. A security/service deposit fee of two months minimum charges shall be required for each meter on the service connection as set forth in the schedule. This deposit will be refunded when the service is disconnected and all bills are paid.

Section 1.3. In addition to the collection of regular rates, the district may collect from the Consumer a proportionate share of any privilege, sales or use tax of imposition based on revenue received by the District.

Section 1.4. If service connection is to be re-established at the same service location for a Consumer who has ordered a service disconnection within the preceding twelve month period, or for any member of such Consumer's household, a non-refundable charge equal to the number of months of service, times the minimum monthly charge up to 12 months, shall be required as a precondition to the re-establishment of such service.

Section 1.5. Variations from the terms and conditions of these provisions shall be permitted only on the verified applications by an affected party to the board of directors of

the district, setting forth the circumstances whereby the public interest requires such variation. The Board of directors requires an application for such variation to be presented at a public meeting.

## **Section 2. Meter reading, billing and collecting.**

Section 2.1. Meters will be read, weather permitting, and bills rendered monthly. The District may, however, vary the dates or lengths of the billing period.

Section 2.2. Bills for water will be computed in accordance with the district's authorized rate schedule and will be based on the amount of water consumed for the period covered by the meter reading, except that where a Consumer orders a turn-on or a turn-off resulting in a period of availability of service of less than one month, then at the option of the District, the minimum bill to such Consumer may equal the minimum charge for one month's full service.

Section 2.3 Charge for services commences when the meter is installed and connection made, whether used or not.

Section 2.4 Readings from different meters may not be combined for billing, irrespective of the fact that said meters may be for the same or different premises or for the same or different Consumers, or for the same or different services.

Section 2.5 Bills are due when rendered and delinquent ten days thereafter. After the delinquent date, the district may, upon ten days notice, discontinue service to the customer whose bill is delinquent.

Section 2.6. Failure to receive bills or notices shall not prevent such bills from being delinquent nor relieve the Consumer of his obligations therein.

Section 2.7. If the Consumer believes his bill to be in error, he shall present his claim to the District before the bill becomes delinquent.

Section 2.8. The District will make special meter readings at the request of the Consumer for a fee of \$50.00; provided however, that if such special reading discloses that the meter was over-read, no charge will be made.

Section 2.9. Meters will be tested at the request of the Consumer upon the payment to the district of the actual cost to the District of making the test; provided, however, that if the meter is found to over-register beyond three percent of the correct volume, no charge will be made.

Section 2.10. If the seal of a meter is broken by other than the District's

representative, the Consumer shall pay any amount estimated from the record of his previous bills or from other proper data.

Section 2.11. If meter fails to register or stops for any cause for which the Consumer is not responsible, the first month's bill may be estimated by the District. Thereafter, the Consumer shall be billed the regular monthly minimum until the meter is repaired or replaced.

Section 2.12. Service discontinued for delinquency of bills will be restored only after all due bills are paid in full, re-deposit made, and a service charge as outlined in the current rate schedule is paid for each service re-established.

### **Section 3. Change of occupancy.**

Section 3.1. Not less than three days notice must be given in writing to the District to discontinue service or to change occupancy.

Section 3.2. The outgoing party shall be responsible for all water consumed up to the time of actual departure or the time specified for departure, whichever is the longest.

**Section 4. Connection fees.** The property owner shall pay to the district a connection fee as set forth in the established fees of the District at the time of connection of the property to the District. The connection fees shall be as specified in the rate schedule of the District.

## **ARTICLE III**

### **THE DISTRICT'S RESPONSIBILITIES AND LIABILITIES; CONSUMER RESPONSIBILITIES**

#### **Section 1. The District's Responsibilities and Liabilities.**

Section 1.1. The District does not assume responsibility of inspecting the Consumer's piping or apparatus and will not be responsible therefore.

Section 1.2. The District reserves the right to refuse service unless the Consumer's piping or apparatus are installed in such a manner as to prevent cross connections or backflow.

Section 1.3. Under normal conditions, the Consumer will be notified of any anticipated interruption of service.

Section 1.4. The District shall not be responsible for negligence of third persons or forces beyond the control of the District resulting in any interruption of service.

## **Section 2. Consumer's Responsibilities.**

Section 2.1. Piping on the Consumer's premises must be so arranged that the connections are conveniently located with respect to the District's lines or main.

Section 2.2. If the Consumer's piping on the Consumer's premises is so arranged that the District is called upon to provide additional meters, each additional meter to the Consumer's property will be considered as a separate and individual account.

Section 2.3. Where a meter is placed on the premises of a Consumer, a suitable place shall be provided by the Consumer for such meter, and such place shall be unobstructed and accessible at all times to the meter reader.

Section 2.4. The Consumer shall furnish and maintain a private cut-off valve on the Consumer's side of the meter within 18" of the meter, and the District shall provide a like valve on the District's side of such meter.

Section 2.5. The Consumer's piping and apparatus shall be installed and maintained by the Consumer, at the Consumer's expense, in a safe and efficient manner and in accordance with the District's Rules and Regulations and in full compliance with the regulations of the State Department of Health and the Uniform Plumbing Code.

Section 2.6. The Consumer shall safeguard the District's property placed on the Consumer's premises and shall permit access to it only by the authorized representatives of the District.

Section 2.7. In the event that any loss or damage to the property of the District or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the Consumer, his agents, or employees, the cost of necessary repairs or replacements shall be paid by the Consumer to the District and any liability otherwise resulting shall be assumed by the Consumer.

Section 2.8. The amount of such loss or damage or the cost of repairs may be added to the Consumer's bill and if not paid, service may be discontinued by the District.

Section 2.9. Water furnished by the District shall be used by the Consumer, members of his household, guests, tenants and employees only. The Consumer shall not sell water to any other person or permit any other person to use the water. During a critical water condition, as determined by the District or a public agency, Consumers shall use water only for those purposes specified by the District. Disregard for this rule shall be sufficient cause for refusal or discontinuance of service.

Section 2.10. The District may discontinue its service without notice for the following additional reasons:

1. To prevent fraud or abuse.
2. The consumer's willful disregard of or refusal to comply with these Rules and Regulations or such special rules as may be adopted by the district with the approval of the Board of Directors.
3. Emergency Repairs.
4. Insufficiency of supply due to circumstances beyond the District's control.
5. Legal processes.
6. Direction of public authorities.
7. Strike, riot, fire, flood, accident or any unavoidable cause.
8. Unauthorized turn-ons.
9. The District may suspend the service of or refuse service to any Consumer who tampers with a meter or with the property of the District.

#### **ARTICLE IV - EASEMENTS**

All property owners requesting to connect improvements on their property to the District's water system or any developer of more than one lot seeking a connection of a subdivision or other non-residential improvement to the water system shall grant to the district all easements required by the District to provide water service to, across or on the property for which the connection is being sought. Any party not granting such required easements shall not be granted a connection by the District.

#### **ARTICLE V - GENERAL**

**Section 1.** Variation from the terms and conditions of these Rules and Regulations shall be permitted only upon the verified application of an affected party to the Board of Directors of the district, setting forth the circumstances whereby the public interest requires such variation, and upon the issuance of a special order of the District. The district may require an application for such variation to be presented in a public hearing.

**Section 2.** If any section, paragraph, subdivision, sentence, clause or phrase of these



Rules and Regulations shall for any reason be held illegal or unenforceable, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Board of Directors of the Porter Mountain Domestic Water Improvement District hereby declares that each and every section, paragraph, subdivision, sentence, clause or phrase of these Rules and Regulations may be held illegal, invalid, or unenforceable.

**Section 3.** The District hereby authorizes its attorneys, agents and employees to take all steps as are necessary to enforce the Rules and Regulations.

**ADOPTED THIS 15<sup>TH</sup> DAY OF APRIL, 1998**

PORTER MOUNTAIN DOMESTIC  
WATER IMPROVEMENT DISTRICT  
Linda L. Thomas, President  
Attested by: Loretta Moore, Secretary

**AMENDED AND ADOPTED THIS 10<sup>TH</sup> DAY OF JULY, 2010**

**AMENDED AND ADOPTED THIS 9<sup>th</sup> DAY OF JULY, 2011**

**AMENDED AND ADOPTED THIS 12<sup>TH</sup> DAY OF OCTOBER, 2016**

**AMENDED AND ADOPTED THIS 12<sup>TH</sup> DAY OF OCTOBER, 2018**

**AMENDED AND ADOPTED THIS 19<sup>th</sup> DAY OF JULY, 2025**

**PORTER MOUNTAIN DOMESTIC WATER IMPROVEMENT DISTRICT  
WATER RATES AND RATE SCHEDULE**

PMDWID has the authority to charge the following types of fees after a public hearing:

1. User Fees that are proportionate shares of the cost of operation, maintenance and replacement of a water delivery system and may include the cost of administrators, surveyors, sanitation experts, engineers, legal counsel and other persons as are reasonably necessary for the operation, maintenance and replacement of the systems. The fees may also include any contractual amounts required to meet covenants relating to bonds or other obligations of the district secured by a pledge of, or promise to pay from, the district's fees.
2. Hookup fees for connection to the district water or wastewater system, not including the cost of the actual physical connection.
3. Lateral fees for the cost of constructing a water lateral from the property line of the

user to the middle of the easement or right-of-way in which the water system is located.

PMDWID also has the authority to levy property tax on all parcels in the district pursuant to a duly adopted annual budget. If the PMDWID issues bonds or obtains a loan to finance improvements, it has the authority to levy assessments on all parcels or to limit the assessment to those that benefit from the improvements.

Notice is hereby given that, pursuant to A.R.S. Sec. 48-910, the Board of Directors of the Porter Mountain Domestic Water Improvement District, Navajo County, Arizona, held a public hearing on July 7, 2018 (Originally Established 2/13/1999) on the establishment of water rates for the District.

The rates to be charged are:

Connection Fee plus cost to install water service line and meter (Rules and Regs Article II, Section 4)	\$ 2000.00
Turn On/Transfer Fee	\$ 80.00
Security Deposit-two months minimum charge (Refundable when disconnected and all bills are paid)	\$ 80.00
Basic Water Rate 5/8" line (includes first 3000 gallons per month)	\$ 40.00
Basic Water Rate 1" line (includes first 3000 gallons per month)	\$ 45.00
Each Additional 1000 gallons add	\$ 5.00
Delinquent Account Reconnect Fee	\$ 80.00
Special Meter Reading (no charge if meters over-read)	\$ 80.00

Reconnect Charge: Monthly Minimum times the number of months off service up to 12 months, plus turn on or transfer fee and any past due amounts.

1. Service shall not be provided until customer installs a cut off valve within 18" of the meter.
2. All property not fronting on the water main will be required to pay the cost of running any future main line extension.

Signed by Board Members 2/13/1999, Ross Griswold and Linda Thomas.

Signed by Board Members 1/11/2019, Carolyn Wuertz and Steve Davidson  
Signed by Board Members 7/19/2025, Carolyn Wuertz and Susan Richards