

# RULES AND REGULATIONS

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KAWELA PLANTATION HOMEOWNERS'  
ASSOCIATION

KAWELA WATER SYSTEM, PWS 248  
KAWELA, MOLOKAI, HAWAII

**Effective August 16, 2010**

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RULES AND REGULATIONS  
OF THE KAWELA PLANTATION WATER SUPPLY  
OF THE KAWELA PLANTATION HOMEOWNERS' ASSOCIATION  
ADOPTED BY THE KAWELA BOARD OF DIRECTORS

FOREWORD

These rules and regulations have been adopted to establish uniform practices governing water service and to define the obligations of the Kawela Plantation Homeowners Association to consumers of its water system.

RULE – DEFINITIONS

For the purposes of this document, the following words, phrases, abbreviations, terms and their derivatives shall be construed as specified in this section. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine:

“Airgap” means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood-level rim of the receptacle. The vertical distance shall be at least double the diameter of the supply pipe above the flood-level rim and in no case shall the gap be less than one inch.

“Auxiliary Water System” means any water supply in a building or premise maintained in addition to the KPHA potable water system. Such secondary water system shall include any system, other than the public water supply, supplying surface water, reservoirs and cisterns, and groundwater from both deep and shallow sources; also, any supply of KPHA water which has been stored, held, reserved, treated, and processed in a manner which may detract from the potability of the water by either bacterial, chemical, or radiological nature.

“Backflow” means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Backsiphonage is one type of backflow.

“Backflow Preventor” means a device or means to prevent backflow into the potable water system. Backflow Preventors are devices manufactured in full conformance with the standards established by the American Water Works association – AWWA – C506-78 and have completely met the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California – FCCCHR.

“Back Pressure” means backflow caused by a pump, elevated tank, boiler or other means that could create pressure within the system greater than the supply pressure.

“Backsiphonage” means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

“Check Valve” means a self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

“Consumer” means the person, firm, corporation, association or governmental department, whether owner or tenants, whose name appears on the records of KPHA as the party responsible and liable for receiving water service from KPHA.

“Consumer Supply Pipe” means the pipe extending from the consumer’s end of the service connection.

“Contamination” means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.

“Cross-Connection” means any physical arrangement whereby a the potable water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to potable water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections.

“Double check valve backflow prevention assembly” or “double check assembly” or “double check” means an assembly which consists of two independently-operating check valves which are spring-loaded or weighted. The assembly comes complete with a shut-off valve on each side of the checks, as well as test cocks to test the checks for tightness.

“KPHA” means the Kawela Plantation Homeowners Association, a Hawaii corporation.

“Main” or “Main Pipe” means KPHA’s supply or distribution pipe to which connections are made.

“Service Connection” means the main tap - meter, pipe, fittings and valves from the water main to consumer’s line.

“Submerged Inlet” means a water pipe or extension thereto from KPHA terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against backflow.

“Vacuum” means any pressure less than that exerted by the atmosphere.

“Vacuum Breaker, Atmospheric Non-pressure Type” means a vacuum breaker designed so as not to be subjected to static line pressure or installed where it would be under pressure for not more than twelve hours in any twenty-four hour period.

“Vacuum Breaker, Pressure Type” means a vacuum breaker designed to operate under conditions of static line pressure.

## RULE II – GENERAL CONDITIONS

1. A prospective consumer who is a member of KPHA may obtain water service.
2. The amounts to be paid for water and water service shall be in accordance with the rates established by the Board of Directors of KPHA.

### RULE III - CONSERVATION MEASURES AND INTERRUPTION OF WATER SUPPLY

1. KPHA will exercise reasonable diligence and care to deliver an adequate supply of water to the consumer to avoid shortages or interruptions in water service and to maintain a pressure in its water mains; but will not be liable for any interruption, shortage, insufficiency of supply, lack of pressure or any loss or damage occasioned thereby.
2. Whenever, in KPHA's opinion special conservation measures are advisable in order to forestall water shortages and a consequent emergency, KPHA may restrict the use of water by any reasonable method of control.
3. KPHA reserves the right at any and all times to shut off water from the mains without notice for the purpose of making unscheduled repairs, extensions, alterations or for other reasons. Repairs or improvements will be completed as rapidly as possible and at such times as will cause the least inconvenience to consumers.

### RULE IV - PRESSURE CONDITIONS

When the pressure of KPHA's supply is higher than that for which individual fixtures are designed, the consumer shall protect such fixtures by installing and maintaining pressure reducing and relief valves. KPHA will not be liable for damage due to pressure conditions caused by or arising from the failure or defective conditions of such pressure regulators and relief valves or for damage that may occur through the installation, maintenance or use of such equipment. KPHA will not accept responsibility to maintain pressure in its water mains.

### RULE V – APPLICATION FOR WATER CONNECTION AND SERVICE

1. Prior to starting service each prospective consumer is required to sign a standard application form for water service there by assuming responsibility for the payment of all charges at the designated location.
2. When an application for water service is made by a consumer who was responsible for, and failed to pay bills previously rendered, regardless of location or time incurred; KPHA may refuse to furnish water service to such applicant until the outstanding bills are paid.

### RULE VI – CONNECTIONS

1. Installation – When the application for a new service connection has been approved, such connection will be installed by KPHA after the new service connection fee is paid. The service connection will be maintained by KPHA.
2. Owner's Supply Pipe – The owner shall install and connect at his expense, his supply pipe to the service connection installed by KPHA. Modifications to the service connection, tapping into lines and tampering with locks are strictly prohibited. The owner's supply pipe shall at all times remain the sole property of the owner, who shall be responsible for its maintenance and repair.
3. Connection to Main – Only a representative of KPHA will be allowed to connect, disconnect or modify the service connection to or from KPHA's main at KPHA's discretion.
4. Compensation – Employees of KPHA are strictly forbidden to demand or accept personal compensation for services rendered.
5. Alteration to Water System – All work and materials in connection with the change in location or elevation of any part of the existing water system made necessary by a new service connection shall be at the expense of the applicant.

## RULE VII – RENDERING OF BILLS

Bills will be rendered monthly. Meter readings and billings shall be on a monthly basis, except for closing of accounts and for special conditions with the approval of the General Manager. Billings for metered water service shall be on a per meter basis.

## RULE VIII – PAYMENT OF BILLS

1. Bills – All bills are due and payable as shown. Payment shall be made by US mail, online at [www.kawelapha.com](http://www.kawelapha.com), or at the office of KPHA.
2. Late Charges- Water bills will be mailed on the 15<sup>th</sup> of each month. Water charges will be due 30 days from the billing date. Amounts below \$30 will have a grace period 90 days. A late fee of \$10 or 4% of the charge due, whichever is greater and a monthly interest rate of 10% per annum will be assessed to your account when payment is delinquent. A lien will be placed on a property when in default 120 days or \$2000. Foreclosure will be considered after an account is 180 days (6 months).
3. Returned Check Charge. A charge, as established by the KPHA Board, will be added to accounts for any checks returned from the bank unpaid for any reason.

## RULE IX – DISCONTINUATION OF WATER SERVICE

1. Non Compliance with KPHA’s Rules and Regulations – If the consumer fails to comply with any of these rules and regulations adopted herein or tampers with the water system or water system appurtenances of KPHA; KPHA will have the right to discontinue service.
2. Consumer About to Vacate Premises – Consumers shall give notice of their intention to vacate prior thereto; specifying the date service is to be discontinued. Before buildings are demolished, KPHA will be notified so the service connection can be closed.
3. Unauthorized Use of Water – KPHA will refuse or discontinue water service to any premises if necessary; without giving notice, to protect itself against fraud, abuse or unauthorized use of water.
4. Wasteful Use of Water – Where negligent or wasteful use of water exists on any premises, KPHA may discontinue the service if such conditions are not corrected within five days after giving the consumer written notice of intent to do so.

## RULE X – RESTORATION OF WATER SERVICE

If water service is turned off because of failure to pay a bill, violation of any of the regulations herein or for other reasons, all outstanding accounts against the consumer, including a re-connection fee must be paid before water service is restored.

## RULE XI- KPHA’S EQUIPMENT ON CONSUMERS PREMISES

All equipment belonging to KPHA and installed upon the consumer’s premises for measurements, test, check or any purpose, shall continue to be the property of KPHA and may be repaired, replaced or removed by KPHA at any time without the consent of the consumer. The consumer shall exercise reasonable care to prevent damage to connections and other equipment of KPHA upon said premises and shall in no way interfere with the operation of same.

## RULE XII – DAMAGE AND ACCESSIBILITY TO KPHA’S PROPERTY

1. Any damage to water mains, service connections, valves, fire hydrants or other property of KPHA shall be paid for by the person or the organization responsible for the damage.
2. Owners shall be liable for any damage to equipment or property of KPHA caused by his tenants, agents, employees, contractors, licensees or permittees, on the owner’s premises. KPHA shall be promptly reimbursed by the owner for any damage upon presentation of a bill.
3. No obstruction (walls, fences, etc.) shall be placed on waterline easements or near fire hydrants or valves so as to render it inaccessible. Each consumer is responsible to keep the meter and fixtures clear of weeds and debris on the consumer’s property. If the utility needs to clear the area of weeds, debris, or other obstructions, an hourly maintenance charge will be levied.

## RULE XIII – RELIEF VALVES

Whenever a check valve or pressure reducing valve is installed on the consumers cold water supply line between the main and a hot water storage tank and/or heater; there shall be installed on the consumers hot water distributing system; a suitable pressure relief valve.

## RULE XIV – INGRESS TO AND EGRESS FROM CONSUMER’S PREMISES

Any officer, employee or representative of KPHA shall have the right to ingress to and egress from the consumer’s premises at all reasonable hours for any purpose reasonably connected with the furnishing of water or other service; including reading and servicing meters; to said premises and the exercise of any and all rights secured to it by law or these rules and regulations. In case any such officer, employee or representative is refused admittance to any premises, KPHA may cause the water to be turned off from said premises after giving 24 hours’ notice to the owner or occupant.

## RULE XV – RESPONSIBILITY

1. Water service may be discontinued to any consumer whose water system includes plumbing fixtures or water containers, in any form or of any use, which in the opinion of KPHA may endanger KPHA’s water supply from a public health standpoint. Any such discontinuation of service shall continue until objectionable installations have been corrected and KPHA has been assured that the objectionable uses and practices will not be resumed.
2. KPHA will not be responsible for damage to property caused by spigots, faucets, valves and other equipment that may be open when water is turned on at the connection, either when turned on originally or when turned on after a temporary shutdown.

## RULE XVI – ABATEMENT OF NOISES

Where it has been determined that noises emanating from a consumer’s premises are caused by plumbing fixtures or other equipment attached to water pipes and such noises are being transmitted through the water pipes causing annoyance to other consumers, KPHA may issue a notice in writing to the offending consumer or the owner of such premises or to his agent, giving reasonable time within which to correct or to remove the cause of complaint. Failure on the part of the consumer, owner or person responsible to correct or remove the cause of the noise will be sufficient reason for discontinuance of water service to the consumer until such time as the condition has been remedied.

## RULE XVII- ELECTRICAL GROUNDING

Grounding installations shall conform in all details with the National Electrical Code of the National Board of Fire Underwrites and with the count building code. KPHA shall not be responsible for any damage or injury caused by any electrical grounding.

## RULES XVIII – PUMPS, CROSS CONNECTIONS AND BACKFLOW PROTECTION

1. No cross connections shall be created, installed, used or maintained within the water system service area, except in accordance with exemptions noted herein.
2. The water system manager shall carry out or cause inspections to be carried out and/or send out surveys to each resident. These surveys must be completely filled out and returned, as requested. If found necessary; an assembly commensurate with the degree of hazard will be required to be installed at the service connection.
3. The owner is responsible for all cross connection control within the premises.
4. The use of any type of chemical spray attachment connected to the premise plumbing, including garden hose fertilizers and pesticide applicators, is prohibited within the water system without proper protection from the potential of backflow occurring.
5. The use of any type of radiator flush kits attached to the premise plumbing is prohibited within the water system without proper protection from the potential of backflow occurring.
6. Backflow Prevention Assembly Requirements:

A certified cross connection inspector shall determine the type of backflow assemblies to be installed within the water system. All assemblies shall be installed at the service connection unless it is determined by the inspector and approved by the water system manager that it should be installed at the point of use. If a point-of-use assembly has not been tested or repaired as required by the Cross Connection Control Program, a backflow prevention assembly commensurate with the degree of hazard shall be required at the service connection. An assembly shall be required in each of the following circumstances:

  - A. When the nature and extent of any activity at the premises, or the materials used in connection with any activity at the premises, or materials stored at the premises, could contaminate or pollute the potable water supply.
  - B. When the premises has one or more cross connections.
  - C. When internal cross connections are present in which they are not correctable.
  - D. When intricate plumbing arrangements are present making it impractical to ascertain whether cross connections exist.
  - E. When the premises has a repeated history of cross connections being established or re-established.
  - F. When entry to the premises is restricted so that inspections for cross connections cannot be made with sufficient frequency to assure cross connections do not exist.
  - G. When materials are being used such that, if backflow should occur, a health hazard could result.
  - H. When an appropriate cross connection survey report form has not been filed with the water system manager.
  - I. On any and all used water return systems.
  - J. When there are premises with an unapproved auxiliary water system which is or can be connected to the water service or supply system.
  - K. On all non-residential multi-story buildings or any building with a booster pump or elevated storage tank.

- L. Where there is piping or equipment for conveying liquids other than potable water and that piping or other equipment is under pressure and installed and operated in a manner that could cause a cross connection.
  - M. When installation of an approved backflow prevention assembly is deemed by a Certified Cross Connection Control Inspector or the Association General Manager to be necessary to accomplish the purpose of the Cross Connection Control Program.
7. All landscape irrigation systems shall be protected in accordance to current County of Maui Plumbing code. Plumbing codes are available at the County of Maui website. [www.co.maui.hi.us](http://www.co.maui.hi.us).
  8. Any device installed for the prevention of backflow shall; unless KPHA approves otherwise in writing; be located above ground and in such a manner as to be safe from flooding or submergence in water or other liquids properly protected from external damage, freely accessible and with adequate working room for inspections, testing and repairing.
  9. All such devices shall be inspected by a certified backflow inspector not less than once annually. Repairs, replacement or parts, etc., shall be the responsibility of the owner and shall be made by a qualified person. Records of tests and inspections shall be furnished to KPHA annually.
  10. Failure on the part of the owner to comply with KPHA's requirement relative to backflow protection maybe sufficient reason for discontinuing water service until such time as the requirements have been met.

#### RULE XIX – USE OF AND DAMAGE TO FIRE HYDRANTS

Any use of fire hydrants, tampering therewith or taking of water there from for purpose other than fire protection by persons other than authorized employees of the fire department or representatives of KPHA is prohibited. The fire department shall have the prior right to use any hydrant at any time.

#### RULE XX – SEVERABILITY

If any section, sentence, clause, or phrase of these rules and regulations or its application to any person or circumstance or property is held to be unconstitutional or invalid, the remaining portions of these rules and regulations or the application of these rules and regulations to other persons or circumstances or property shall not be affected. KPHA hereby declares that it would have adopted these rules and regulations and each and every section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses, or phrases be declared unconstitutional or invalid.