

Neskowin Regional Water District

WATER SERVICE ORDINANCE NO. 2017-01

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE DISTRICT WATER SYSTEM, PROVIDING FOR WATER SERVICE FEES AND CHARGES; ADOPTING MEASURES FOR COLLECTION OF FEES AND OTHER MATTERS PERTAINING THERETO; AND REPEALING ORDINANCE NO. 79-1

THE NESKOWIN REGIONAL WATER DISTRICT ORDAINS AS FOLLOWS:

SECTION 1. Purpose.

1) The District is a municipal corporation, whose primary purpose is to supply potable water within the confines of the District or for use outside the District, in the manner approved by the Board and in accordance with applicable law.

2) The purpose of this ordinance is to authorize charges, rates and fees for the use of the District water system, to regulate the use of District water, to regulate the construction, maintenance and operation of the system, to provide for discontinuance of service, to regulate connections to the system and to provide for collection of charges.

3) The District finds that the operation and maintenance of the District water system and a portion of the costs of construction of the system should be funded through water service and usage charges imposed against those persons and activities using or receiving service from that system.

4) The intent of the Board is that this ordinance be construed to impose charges for use of the District water system and for services of all kinds provided by the District, rather than to impose taxes upon property.

5) It is the policy of the District to provide adequate potable water to its residents. There may be circumstances beyond the District's control, however, including most particularly weather conditions and the effects of natural catastrophe or the actions of others on the District's water supply sources, that make it necessary to reduce the water regularly used by the District's residents and apportion among the District's residents a restricted supply of water. In those circumstances, the District intends that water be apportioned in a manner that is consistent with the relevant provisions of this ordinance, is determined by the District to be equitable under the circumstances, and takes into account public health and safety.

6) The purpose of this ordinance is also to provide maximum protection of the public water supply of the District from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's water line, such contaminants or pollutants that could backflow into the public water system. The Cross Connection Protection program goal of the Neskowin Regional Water District shall be premise isolation of customer's services.

7) The District has authority to adopt this ordinance pursuant to ORS Chapter 264.

8) This ordinance shall be known and may be cited as the "Water Service Ordinance".

SECTION 2. Definitions.

“Appurtenance to the distribution system” means any additional plumbing and/or backflow assembly that is added to the service connection in order to comply with ordinance regulations.

“Auxiliary water supply” means any supply of water used to augment the public water supply, which serves the premises in question.

“Backflow” means the flow in the direction opposite to the normal flow of water or the introduction of other liquids, mixtures, or substances into the distributing pipes of the District’s potable water supply. Backflow is caused by backsiphonage or backpressure.

“Backflow Prevention Assembly”: An assembly designed to prevent backflow, including but not limited to the following:

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

“Double Check-Detector Backflow Prevention Assembly (DCDA)” means a specially designed assembly composed of a line size approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly.

“Reduced pressure backflow prevention assembly” or **“RP assembly”** or **“RPBA”** means an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve.

“Board” shall mean the Board of Commissioners of the Neskowin Regional Water District, the District’s governing body.

“Contamination” means the entry into or presence in the District’s water supply system of any physical, chemical, biological or radiological substance or matter, which may create a health hazard.

“Cross connection,” means a point in the customer’s plumbing or District water system where the public potable water supply is connected directly, or has the potential of being connected, to a non-potable substance.

“Cross Connection Program Director” means the Neskowin Regional Water District Board authorized employee or agent in charge of the cross connection program.

“Curb stop” is the shut off on the service line supplied from the distribution main to the meter.

“Customer” shall mean any person provided water by the District.

“Customer’s water line” shall mean the pipe, valves and fittings leading from the water meter into and including the premises served.

“Degree of Hazard” means either pollution (non-health hazard) or contamination (health hazard) and is determined by an evaluation of hazardous conditions within the water system.

“Discontinuance” is the term describing when a customer moves from a District served residence.

“Distribution main” shall mean the pipe in the street, alley, right-of-way or easement owned and maintained by the District for the purpose of distributing water to customers and

servicing fire hydrants.

“District” means Neskowin Regional Water District, a domestic water supply district formed pursuant to ORS chapter 264.

“District Manager” means the person appointed by the Board as the District Manager or the District employee, employees or agent whom the District Manager may designate to carry out all or portions of the administration of this ordinance.

“Health hazard” (Contamination) means an impairment of the quality of the water that could create an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, or other substances.

“Meter” shall mean a device for measuring the flow of water to a particular premise.

“Non-Health Hazard” (Pollution) means an impairment of the quality of the water to a degree that does not create a hazard to the public health, but does adversely affect the aesthetic qualities of such water for potable use.

“Person” shall mean and include any natural person, firm, partnership, association or corporation.

“Point of use” means the point at which the actual or potential cross connection exists.

“Point of use isolation” means the appropriate backflow prevention in the customer’s water line at which the actual or potential cross connection exists.

“Potable water supply” means water supplied by the District intended for human consumption and other domestic use.

“Premises” means any building, structure, improvement or parcel of land, which may now or at some future time receive water service from the District.

“Premises isolation,” means the practice of protecting the public water supply from contamination or pollution by installing backflow prevention assemblies at, or near, the point of delivery where the water supply enters the premise.

“Service Connection” means the piping connection by means of which water is conveyed from a distribution main to the customer’s property line, or to the service meter.

“Shut-off” of water service shall mean suspension of service pending payment of delinquent charges or compliance with District regulations.

“System” shall mean all or any part of the water system owned and operated by the District and includes but is not limited to all transmission and distribution mains, service lines, meters, hydrants, premises backflow assemblies, revisions, treatment, filtration plants, and appurtenances for distribution.

“Termination” of water service shall mean permanent disconnection of service and the closing of the service account.

“Thermal expansion” means heated water that does not have the space to expand.

“Transmission main” shall mean the pipe in the street, alley, right-of-way or easement owned and maintained by the District for the sole purpose of distributing water from District pumping stations and wells to water storage facilities.

“Vault” shall mean an enclosure used to protect meters, valves or similar devices.

“Water service charge” shall mean the charge for the fixed and maintenance costs of having the water system available to provide water, for meter reading, preparing the bill,

accounting for the receipt of payment, maintaining customer records and responding to customer inquiries.

SECTION 3. Ownership of System.

The water system is owned by the District. None of the properties or system facilities of the District may be disposed of without approval of the Board. Legal title to the entire system, including all mains, laterals, service lines, service connections, water meters, meter boxes, reservoirs, pumping stations, fire hydrants, and all facilities and appurtenances, is vested in the District and shall be operated only by duly authorized employees, personnel, contractors, and agents of the District. The District shall at all times have the exclusive jurisdiction, possession and control thereof.

SECTION 4. Water System Operation.

1) No person other than the duly authorized agents of the District or contractors with express written permission from the District shall connect to any main or service of the system or interfere with the operation of any of the system facilities whatsoever. No person shall be permitted to install, move, change, tamper with or in any other manner interfere with a service connection, water meter or appurtenances of the District system.

2) No person other than an employee or authorized agent of the District shall turn on or off any meter or service or operate any valves, which are part of the system. Customers shall install a master shut-off valve as close to the meter location as practical, the operation of which will control the entire water supply from the service. Operation by any customer of the curb stop in the meter box is prohibited. In the event a customer damages a curb stop, the Customer shall be liable to the District for the associated reasonable expenses incurred for repair of the curb stop.

3) No persons other than duly authorized District agents or contractors and members of regularly constituted fire departments shall operate fire hydrants. Fire department members shall be permitted to connect and use fire hydrants for the express purpose of fighting fires or testing in accordance with such procedures, as the District shall establish.

SECTION 5. Responsibility and Liability of the District.

1) The District shall maintain and repair its mains, service lines, meters, structures, facilities and all appurtenances so as to keep them in repair and operative condition at all times insofar as practical and reasonable, and in accordance with budgeting restrictions.

2) The District shall not be liable for damages or otherwise be responsible due to interruptions or discontinuance of water service or variations in water pressures.

3) The District advises all customers to keep on hand emergency potable water in the amount of one gallon per person per day for 14 days in event of potential water service interruptions due to construction, repair and damages from an earthquake, flood, and electrical brown out.

4) By making application for water service or by using water service supplied by the District, every customer shall be deemed to grant to the District, its duly authorized agents and employees, the right to enter upon the concerned premises to which water is furnished at all reasonable times for the purposes of inspection for compliance with this ordinance and meter reading.

SECTION 6. Use of Water.

1) The District shall furnish water for ordinary domestic, household, business, and community use, and for such sprinkling, irrigation, industrial, commercial, flood debris washing, and fire-fighting purposes as the system can reasonably supply.

2) The District Board may, by Resolution, institute a program of water rationing or conservation. Such program may consist of limitations on the use of water as to hours, purpose or manner. The District shall give preference to those uses determined to be in the best interests of the public health, welfare or necessity, and highest priority to household use, which shall not include irrigation of lawns or fields.

3) Except by specific written agreement from the District, no person shall engage in the resale of water supplied by the District or the delivery of water to premises other than those specified in the application for service.

SECTION 7. Furnishing Water.

1) The District shall not be obligated to furnish and install system facilities for all properties and premises within the District. The District shall, so far as reasonable and practical and within its financial means, provide adequate source of supply, necessary transmission mains, distribution mains, storage facilities and other improvements to make water service generally available to all areas within the District.

2) Transmission and distribution mains, which are included in the District's adopted system development charge (SDC) Capital Improvement Plan, shall be replaced by the District with SDC funds. Pursuant to Section 26 of this Ordinance, such mains not in the Capital Improvement Plan shall be replaced and upgraded by adjacent property owners or developers at their cost at the time of development or redevelopment of the property.

SECTION 8. Water Service Application and Connection.

1) Application for water service from existing water services shall be made by the customer.

2) For billing purposes, the District may presume that the owner of property is the customer, occupant or manager of the property. Except as otherwise provided, water service or usage charges shall be mailed and or emailed to the customer at the address of the premises where water service is furnished. The District may also mail and or email a separate bill to the owner of the leased premises.

3) Application for new water service to developing or redeveloping properties shall be provided at or after a pre-application conference scheduled and held between the customer and the District staff, at which the application and connection requirements and conditions will be identified and discussed with the customer. No water service will be provided until the District approves the application, all conditions of approval have been met, and all outstanding charges have been paid to the District.

4) Information provided to the District by existing and new water service customers shall include:

- a) The name of all customers, and, if applicable, the owner,
- b) The location of the premises for which the service is requested;
- c) Date the customer(s) will begin service;
- d) The address to which all bills shall be sent;
- e) For property transactions, the date of close of escrow;
- f) Whether the customer(s) is (are) the owner or tenant of the premises;
- g) Landlord information such as name, address, and telephone number, if applicable.
- h) Customer's home, cellular, and work telephone number,

5) To complete the application process, the customer shall execute a Customer Services Agreement committing to abide by all rules, regulations and ordinances of the District and such other terms as the District may determine necessary. It is the responsibility of the customer to keep customer information current.

6) If so requested at the time customer furnishes information considered to be confidential by customer, District personnel shall regard as confidential any such additional information; provided, however, the District shall in no way be held liable for disclosure of said information. Failure to supply such information when requested shall be deemed sufficient cause to deny water service.

7) All water service accounts shall be in the names of all owners or tenants of the premises. Two or more persons who apply for one water service account shall be jointly and severally liable for all applicable charges. Where the address of each person is indicated as the same, separate bills need not be sent.

8) The District may shut off water service if service to the premises is turned on without first completing the District application process. In addition to other remedies provided by these regulations, before service is restored following shut off pursuant to this section, the customer shall pay double the applicable rate for the quantity of water consumed as determined by the District.

9) Where service to premises is provided, charges imposed and billed, and such charges have remained unpaid and the account has become delinquent, in addition to other remedies provided by these regulations or other law, the District may require the following as a condition of providing future water service to that premises:

a) For leased premises where the tenant's account has become delinquent and the tenant vacates the premises without satisfying water service charges previously incurred, before the premises are provided future water service, the owner shall satisfy the outstanding water service or usage charges or submit a joint application with the future tenant and shall be jointly and severally liable for all applicable charges.

b) The District may refuse to provide service to any premises where the person to whom service has been provided has failed to pay previously imposed water service or usage charges until such unpaid charges are paid in full.

SECTION 9. Discontinuance of Service by Customer.

1) Customers of property connected to the water system may discontinue further water service charges pursuant to this Section. If notice of discontinuance is not given as provided in this Section, the customer shall remain liable for all water service charges to the served premises.

2) A customer discontinuing service shall notify the District at least 72 hours prior to discontinuance, with the following information: the customer's name, the date of discontinuance, the name of the property owner, the name of the new occupant of such premises, if known, and a forwarding address for the final bill. The District shall then cause the meter to be read on the date of discontinuance.

3) Temporary suspension of water connection or service by a customer is not permitted. Water service charges will be billed and shall be paid by the customer in order to remain on regular service. If the charges are not paid, water service will be shut off or terminated, as appropriate, consistent with Section 10 and 11 of this Ordinance.

SECTION 10. Delinquencies and Subsequent Shut off of Water Service by District.

1) Water service charges shall be due and payable on the date of billing and become

delinquent if not paid by the 15th of the following month. If a customer does not make prompt payments of water service charges, the account shall be delinquent and water service to the customer may be shut off in accordance with the procedure set forth in this section.

2) Prior to the date scheduled for shut-off, the District shall notify the customer of the scheduled shut-off as follows. A written notice shall be sent to the customer by delivery certified first class mail.

3) The notification provided to the customer under this section shall state the following:

- a) Water service will be shut off due to nonpayment of water service charges;
- b) Water service shut off may be avoided by paying delinquent charges;
- c) A specific date and time when water service will be shut off unless delinquent charges are first paid.

d) Personal checks will be accepted to pay delinquent charges unless customer has had a personal check returned to the district due to insufficient funds; delinquent charges must be paid in cash, money order, personal check, or by cashier's check in order to avoid shut off of water service.

e) The customer should call the District Office if payment has already been made or if they have any questions concerning the water charges.

f) Such shut-off date shall not be less than ten (10) business days from the date notification is provided.

4) The District shall shut-off water service to customer and/or premises:

- a) Whose accounts have become delinquent.
- b) Who have failed to provide new customer information, pay the required new account deposit and return a signed customer service agreement.
- c) Where the customer is found in violation of mandatory water rationing or conservation, shut off will be effective immediately upon District notification to the customer.
- d) Where the customer has failed to conduct a required annual test of a point of use backflow assembly by the stated due date.
- e) Where the customer has failed to discontinue use of all cross connections and to physically separate cross connections.
- f) Where the customer is in violation of any rule or administrative regulation of the District and where the customer has failed, after five days' written notice to comply with such rule or regulation.
- g) Where the demand for service is greatly in excess of past average or seasonal use or where excessive demand for such premises may be detrimental or injurious to the water service furnished to others or results in inadequate service to others.

5) On the District designated date and time for shut off pursuant to Section 10(1), the customer shall be liable to the District for a turn-on fee and water service shall be shut off and remain shut off until water service charges and all applicable fees are paid in full or appropriate payment arrangements are made with the customer to satisfy the charges and fees due the District.

6) All delinquent water service charges and fees must be paid to the District by mail or in person at the District office. Delinquent charges must be paid in cash, money order, personal check, or by cashier's check in order to avoid shut off of water service.

7) Where service has been shut off involuntarily, the District will only restore service to premises during posted business hours.

8) The failure of the District to shut off or terminate water service for any reason, including the non-payment of water service charges due, shall not relieve the owner of the

premises or customer from the obligation and duty to pay for all such charges, whether or not the owner or customer has knowledge of any delinquent charges.

SECTION 11. Termination of Water Service by District.

1) The District shall terminate water service to customers and/or premises whose accounts have become delinquent, and the account is not brought current within ninety (90) days of shut-off pursuant to Section 10.

2) In addition to any other remedy provided by District ordinance or state law, the District may shut off or terminate water service to a customer for noncompliance with any provision of this ordinance. Noncompliance with this ordinance means failure or refusal to remedy a violation or a repeated violation for which written notice or warning of such violation has been given either by delivery in person, by posting on the property or by delivery confirmation, registered or certified mail return receipt requested. If such noncompliance affects matters of health or safety or the security of the system, or other conditions warrant such action, such as wasteful or improper use of water, the District may shut off or terminate water service immediately.

3) The failure of the District to shut off or terminate water service for any reason, including the non-payment of water service charges due, shall not relieve the owner of the premises or customer from the obligation and duty to pay for all such charges, whether or not the owner or customer has knowledge of any delinquent charges.

4) A terminated water service can be restored to regular service only within the first year following termination after all water service charges from termination date and any outstanding previous charges are paid in full. After 1 year from termination, water service will only be restored upon the application for and creation of a new account and payment of all installation and new account fees, including applicable system development charges, applicable to a new service connection and shall meet all District conditions of approval.

SECTION 12. Regular Service.

Where a service connection and meter have been lawfully installed, regular service shall be provided upon application and payment of all charges. The date of initiation of regular service to a customer shall be the date of completed installation as determined by the District.

SECTION 13. Bulk Water Service.

1) Where available, a contractor or property owner may request temporary service through a fire hydrant by means of a hydrant meter. Operation, use, and water usage tracking of all District hydrants shall be in accordance with such bulk water use procedures as the District shall establish and adopt by resolution.

2) A person requesting hydrant service shall pay a permit fee to the District office before rental of such meter. Charges for water furnished through a hydrant meter, shall be established by District resolution.

3) If a hydrant meter or other equipment is damaged during the period in which such equipment is used, the customer will reimburse the District the cost of replacement or labor.

4) Upon termination of temporary bulk water service, the meter provided by the District shall be returned to the District. The District shall, without further notice, terminate bulk water service connection six months after such service is provided unless the customer submits and the District approves an extension.

5) Customers of bulk water service shall do so only pursuant to a valid permit, and shall produce or display such permit at any time upon request by District personnel.

SECTION 14. Fire Protection Service.

- 1) The District may relocate fire hydrants at the customer's written request and expense, subject to approval by the District.
- 2) The District is without authority to furnish fire protection service and undertakes to furnish only domestic water service.
- 3) The District has no responsibility for loss or damage due to a lack of adequate water supply or water pressure for fire protection.
- 4) Fire protection facilities, including fire hydrants and stand-by fire protection systems, will be allowed under the following conditions:
 - a) Upon written application and payment in advance of the cost of such service to the District, the District may install fire hydrants. The size, location, type and other factors involved with hydrants shall be governed by District construction standards and Fire Marshal requirements. A letter of approval or approved plans from the Fire Marshal shall be submitted prior to District approval of hydrant plans.
 - b) Where a fire hydrant is installed on private property, the installation shall be in conformity with the construction standards of the District.
 - c) Any customer requesting service for a stand-by fire protection system shall furnish and install a service meter and appropriate backflow assembly approved by the District. Service line and meter sizes for such systems shall be as recommended by the customer's engineer and approved by the District. Charges for fire protection service shall be adopted by District resolution.
 - d) The service connection and all equipment appurtenant thereto, including the meter, shall be the sole property of the District.

SECTION 15. Contracts/Special Services

- 1) The District's provision of water service, connected as a result of application made and accepted by the District, is a contract by which the customer(s) agrees to abide by all rules and regulations as are in effect at the time of connection, or as may be adopted or modified thereafter by the Board, and to pay all water service charges in a timely manner.
- 2) Whenever a customer's requirements for water service are unusual, large, or subject to great fluctuation or variation, the District may require the customer to agree to a special contract and may require reasonable security satisfactory to the District sufficient to protect the District against loss and to guarantee performance under the terms thereof. All special contracts shall be in writing, signed by the property owner or customer and the District.

SECTION 16. Interruptions in Service.

- 1) The District from time to time must interrupt customers' water service for repairing and connecting mains, making main extensions, repairing valves, pumps, and control devices, etc., and for cleaning, maintaining and reconditioning reservoirs and storage tanks.
- 2) The District shall, whenever feasible to do so, give customers advance notice whenever it is known that service is to be interrupted for any appreciable length of time. However, failure to give such notice shall in no manner cause the District to become liable for loss or damage caused by service interruptions such as bursting of boilers, the breakage of any pipes or fixtures, stoppage or interruptions of water supply, business interruptions, or any other damage resulting from the shutting off of water.

SECTION 17. Pressure Regulation.

1) Insofar as is reasonably possible, feasible and economical for the District to do so, it will furnish water at desirable pressures. In locations in which service pressures are higher than needed or desired by customers, customers may install and maintain with their premises any pressure regulators required.

2) The District shall not be responsible for damages or difficulties experienced by reason of variations in pressure within the system.

SECTION 18. Leakage within Premises.

1) Customer water lines shall be installed, maintained and repaired in accordance with District construction standards, jurisdictional plumbing code requirements, and good engineering practices. Pipes shall be laid not less than 24 inches deep and provided with stop and waste drainage; all standpipes or fittings of any kind must be so located, anchored and installed as to not interfere with or endanger the meter. All pipes shall be well protected from freezing.

2) The District shall not be responsible for any damage or injury for leaking or the running of water on the premises from pipelines, plumbing fixtures, open faucets, valves, fixtures and hoses beyond the District's service meters.

SECTION 19. Service Connections.

1) No person shall excavate, fill, dig up, cut or otherwise alter any street, sidewalk, curb, gutter, or do any other such work in order to install a water service connection, meter or line or connect to the system without completing an application, paying applicable fees, and obtaining a permit in writing from the District. An installation permit shall not be issued until the applicant has obtained and supplied the District copies of all necessary road opening, development, and/or building permits from applicable jurisdictions.

2) Service connections shall be installed in accordance with current District construction standards relating to size, material and location.

3) The District may relocate services at the customer's written request and expense, subject to approval by the District.

4) When, in the judgment of District personnel, unusual conditions exist which require extra fittings, meter boxes, vaults or other safeguards to assure adequate volume and pressure of water to an individual service and/or to minimize repair and maintenance problems inherent in the installation, the District may require the customer to pay the cost of such additional fittings, meter vaults or other safeguards at customary District charges in addition to the usual meter and service installation charges.

5) Customers requesting larger than normal service connections for fire protection or other services that necessitate an expansion of water mains to accommodate increased flow shall be required to pay the cost of upsizing any distribution mains needed to supply the required flow.

6) Except as authorized by the District, a separate service connection and meter shall be required for each building, residential unit or structure served. For nonresidential uses, separate service connections and meters shall be provided for each structure and or special uses such as landscape irrigation and public parks.

7) Service connections to a building or premises containing multiple or mixed commercial or industrial uses shall be furnished through the number and sizes of meters determined by the District. Each case shall be considered separately based upon the water demands of the customer.

8) If a service connection to any premises is terminated by the customer or by the

District, the District may remove the service and/or meter.

a) Pursuant to Section 11 of this Ordinance, should a service connection be requested at a later date more than one year after termination, the service shall be considered new, and the applicant shall pay installation and new account fees applicable to a new service connection, including applicable system development charges, and shall meet all District conditions of approval.

SECTION 20. Meters.

1) All meters, including those for fire protection service, shall be located within the public right-of-way or within an access easement approved by the District.

2) All meters, meter boxes, fittings and service lines extending from the main to the meter location shall be installed by the District or subject to the District's approval and inspection.

3) No meter upgrade shall be required where a single new house is constructed where there is an existing meter. Where a single house is built with an existing meter, the District will install a larger meter at the customer's request upon payment of all costs.

4) Customers desiring a new or modified service shall contact the District office to make proper arrangements. The District may relocate meters at the customer's written request and expense, subject to approval by the District.

5) The service pipe from the main to the meter as well as the meter, meter box, and appurtenances shall be the property of the District and not the person owning the premises or paying for the installation.

SECTION 21. Maintenance, Repair and Testing of Meters and Mains.

1) The District, at its expense, shall perform normal maintenance and repair of the service connection, including the meters, meter boxes and appurtenances of the District water system.

2) Each customer is required to use reasonable care and diligence to protect the water meter, meter box, premises backflow assemblies, and appurtenances from loss or damage by freezing, hot water, traffic hazards, landscaping obstructions, and other causes. If the customer fails to provide reasonable protection, the customer shall pay to the District the full amount of the resulting damage prior to District repair or replacement.

3) Customers shall not permit impediments (e.g., plants, trees, fences, walls, structures, etc.) within the water service line easements to hinder the free access to water mains, water meters or appurtenances. All water service line easements shall remain readily accessible to the District for purposes of construction, reconstruction, maintenance and repair of lines therein. Upon notification from the District the customer shall remove impediments in a timely manner. Should the customer fail to remove the impediments, the District shall remove them and the customer shall be liable to the District for costs incurred.

4) Upon written request, the District will test the meter of any customer. If the meter tests within 95% to 104% of true flow, the customer shall be charged for the cost of removing, testing, and installing the same or any new meter. If the tested meter under-registers water flow by more than 6% or over-registers by more than 4%, the new meter will be installed for the customer at no charge. If the tested meter over-registers the flow by more than 4% the customer's account will be credited for the over-billing for the previous four months or two billing periods. The over-billing credit shall be determined based upon the percentage the meter over-registers when tested.

SECTION 22. Cross-Connections or Physical Connections with Other Water Supplies.

1) The definitions, standards, requirements and regulations set forth in the Oregon Administrative Rules pertaining to public water supply systems and specifically OAR 333 Division 61 are hereby adopted and incorporated by reference.

2) All backflow prevention assemblies installed in the customer's water line shall be a type and model approved by the District and Oregon Department of Human Services Drinking Water Division.

3) Any mobile unit or apparatus which uses District water or water from any premise within the District shall first obtain a permit from the District and comply with all applicable restrictions and pay all applicable fees.

4) Premises isolation backflow prevention assemblies shall be installed in conjunction with the water meter as an appurtenance to the distribution system, before any branch in the line. Premises isolation does not guarantee protection to persons on the premise.

5) The District shall not be responsible for loss of pressure caused by the installation of a backflow prevention assembly.

6) The customer shall provide adequate protection against thermal expansion. All costs associated with thermal expansion protection will be the financial responsibility of the customer. The District shall not be liable for any damage occurring from the customer's failure to provide adequate protection against thermal expansion.

7) The customer is responsible for all cross connection control within the premises, which shall be accomplished through point of use isolation adhering to Oregon Department of Human Services Drinking Water Division installation standards.

8) All costs associated with purchase, installation, inspections, testing, replacement, maintenance, parts, and repairs of point of use backflow prevention assemblies are the financial responsibility of the customer.

9) All point of use backflow prevention assemblies must be registered with the District. Registration shall consist of the date of installation, make, model, size, serial number, location, initial and subsequent annual test reports.

10) On all District customers' water lines, the type of backflow prevention assembly shall be commensurate with the degree of hazard as determined by the District Manager.

11) In event the degree of hazard of a cross connection on a customer's service is determined to be a health hazard, the following requirements shall apply:

a) Auxiliary Water Supply: A reduced pressure backflow assembly shall be installed directly downstream of the service meter unless the following information is supplied by the customer to the District:

(i) Written documentation from the Oregon Water Resources Division of well abandonment consistent with all applicable rules and regulations.

(ii) Signed affidavit and a site inspection conducted by the District Manager that there is no current nor will there be future direct connections to the District water system. The customer shall be responsible to notify the District prior to any changes being made connecting the auxiliary water supply to the customer's service line and District system.

b) Other health hazard classification: A reduced pressure backflow assembly shall be installed directly downstream of the service meter.

12) Annual testing and repairs of point of use backflow prevention assemblies shall be done in accordance with OAR Chapter 333 Division 61 and the following requirements:

a) Assemblies shall be tested upon installation and at least annually thereafter

by a state certified tester. Any assemblies found not functioning properly shall be promptly repaired or replaced at the customer's expense. If such assembly is not promptly repaired or replaced, the District may shut off water service to the premise. The District may set fees by resolution to cover the cost of this service.

b) Test reports must be fully complete and returned by mail or fax to the District office within five working days of the test.

c) When using a Double Check-Detector Backflow Prevention Assembly, The meter shall register accurately for only very low rates of flow up to three gallons per minute and shall show a registration for all rates of flow.

d) A reduced pressure backflow prevention assembly shall include properly located test cocks and tightly closing shut off valves at both ends of the assembly.

13) All plumbing and plumbing fixtures within buildings, including customer water lines that are serviced by the District, shall be installed and constructed to prevent pollution of the District or customer's water supply by cross-connections. Water service to any premises known or found to have such defects and hazards shall be disconnected and not restored until such defects and hazards have been eliminated.

14) All structures and/or premises served by the District shall be in compliance with the backflow prevention program adopted by the District. The District shall shut off water service to Customers found in violation of the backflow prevention program regulations. Water service shall not be restored until such violation has been corrected.

15) Whenever it is necessary to make an inspection to enforce any of the provisions of this ordinance, or to connect, disconnect, turn on or turn off a water service, or whenever the District has reasonable cause to believe that there exists on any premises any condition which is unsafe, dangerous or hazardous to the public water supply system, District personnel may enter such premises at all reasonable times to inspect the same or to perform any duty set forth in this ordinance. If the premises are occupied, the District personnel shall first present credentials and request entry; and if such premises are not occupied the District personnel shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused or if the owner or person in control of the premises cannot be located in a timely manner, the District personnel shall have recourse to a warrant or other remedy provided by law to secure entry. Nothing contained herein shall be construed as imposing upon the District the obligation to or liability for inspection of any apparatus on the customer's premises, since such liability rests with the customer.

SECTION 23. Construction Standards

1) All water line construction and installation of services and equipment, with the exceptions noted below, shall be in conformance with current District Construction Standards Specifications.

2) Design of water system improvements shall take into account provision for extension beyond the development to adequately grid or loop the District system. Dead-end mains normally will not be allowed, but when they are permitted, a blow-off assembly will be required. The mains shall extend just outside the edge of pavement to facilitate future extensions. Phase break valves are required near the end of these dead-end lines to avoid water service interruption to customers while mains are being extended.

3) All construction materials, service lines, and meters used shall be approved by the District and be of first quality, consistent and fully compatible with the existing water system of the District so as to permit the District to apply uniform maintenance, repair and replacement thereof.

SECTION 24. Obligation to Construct Water Facilities; Security; Acceptance of Improvements

1) Whenever a developer or property owner develops property in the District, such developer shall be responsible to assure that all extensions, upgrades or modifications to District facilities shall meet the terms, conditions and construction standards specified by the District.

2) No work shall be performed on District lines unless the property owner or developer has obtained express written permission from the District to do the work prior to commencement of the work.

3) When a property owner or developer has an obligation to install or upgrade water facilities imposed by this ordinance or as a condition of a development permit, the obligation shall be confirmed by filing an acknowledgment with the District and shall be fulfilled prior to connection to the water system on the property to be developed unless the District has granted a waiver of this requirement in writing.

a) The acknowledgment shall state the nature of the obligation, the time within which the obligation is to be met, and identify the property subject to the obligation.

b) The acknowledgment shall include any necessary temporary construction and permanent easements for water main construction on private property. All permanent easements shall be recorded with the following wording: "The property owner shall be responsible for and shall bear the expense and/or replacement costs of fences and/or landscaping in all public easements when said fences or landscaping must be removed for access to utilities. The property owner shall grant to the Neskowin Regional Water District unobstructed access to water mains and facilities." Permanent water main easements shall not be less than fifteen feet in width unless the District has granted a waiver in writing of this requirement.

c) The acknowledgment shall include an engineer's estimate of the cost of installation or upgrade construction in existing public easements or rights-of-way and a security deposit in an amount equal to 120 percent of the engineer's estimate.

d) The security deposit may include a sufficient performance bond, cash deposit or letter of credit as security. Return of security deposit shall be conditioned upon the property owner or developer fulfilling the obligation to the satisfaction of District.

e) If the District determines that a property owner or developer has failed to fulfill the obligations, written notice detailing the failure and stating the District's intention to use the security given to complete the obligation shall be mailed by first class mail delivery confirmation to the property owner or developer.

4) Upon receipt of written notice to the District that the public facility has been completed and is ready for final inspection and acceptance, the District shall within ten (10) calendar days make such inspection. If the District finds the work to be acceptable, a final certificate stating that the work has been completed and is accepted shall be issued.

SECTION 25. Water Facilities in General and Main Extensions.

1) When a subdivision or partition is developed, the property owner or developer shall, at their expense, install frontage transmission mains or main installations and upgrades pursuant to this section. Upgrade of existing mains shall not be a condition of development for the construction of a single house on an existing lot unless required by fire department for fire protection service.

2) Except for distribution main upgrades included in the District's approved system development charge Capital Improvement Plan, the District shall not pay the cost of main replacements, upgrades, extensions, or the cost of relocating existing facilities to accommodate or service additional customers, properties, tracts or subdivisions. Such upgrades, extensions or relocations, when requested of and performed by the District, shall be paid for in advance by the

property owner.

3) The District shall determine the size of mains required. Necessary fittings, valves, valve boxes and fire hydrants required shall be included in the cost of main upgrade and extensions. Required main extensions or upgrades shall be installed along the full frontage of the property to be served to permit ready connection by adjoining properties. Main extensions or upgrades for new subdivisions shall extend the entire distance between opposite boundaries of the subdivision and shall be located within public right-of-ways unless the District determines it necessary to construct water lines in easements across private property, which determination shall be in the sole judgment of the District.

SECTION 26. Water Main Extension-Cost Refund.

1) Pursuant to ORS 264.320, any person required by the District to pay the cost of upgrading or extending a water main adjacent to property other than their own so that water service is made available to such other property without further extension of said main, shall be entitled for a period of ten years after the date of the installation and acceptance of the said water main upgrade or extension, to claim a refund of a pro-rata share of the initial cost of the main upgrade or extension by an adjacent property owner which shall be paid prior to such service connection. The amount to be refunded shall be determined by the District and such determination shall be final. The pro-rata reimbursement shall be based upon:

a) Total front footage of the property served in proportion to the total front footage of all property abutting on the street, road or right-of-way, within which the main upgrade or extension was made and which was benefited thereby; or

b) Any other reasonable basis that equitably distributes the cost of the main extension to the benefited properties.

2) When upgrades or extensions described in subsection (1) are installed, the owner of the other property shall pay to the District, prior to receiving water connection or service, the pro rata portion of the upgrade or extension to be refunded, and the District will refund the payment to the person owed the refund. In the event of failure of the District to collect the payment, the person owed the refund shall have a claim only against the other person for the refund.

SECTION 27. Establishment of Fees, Rates and Charges.

1) The Board shall adopt and may thereafter amend by resolution the actual charges, rates, and fees for the use of the District water supply system and for other materials and services provided by the District in connection with such system.

2) Except as specifically provided herein or by resolution, all charges and service fees shall be due and payable within Thirty (30) days of billing for provision of service.

3) It shall be unlawful and a violation of this ordinance for any person to use or maintain connection to the District system without paying the appropriate charges and fees established herein or in any resolution adopted pursuant hereto, or to fail to pay such fee or fees on time.

4) Nothing contained herein shall in any way limit the right of the District to bring a civil action for legal or equitable remedies or damages in connection with failure to pay, or late payment of any charge or fee established herein or the right of the District to terminate water service through the disconnection of the service line, or other appropriate means. The expense of such a disconnection or discontinuance, as well as the cost of restoring service, shall be an obligation of the owner or customer and shall be recoverable in the same manner as other delinquent charges and fees.

5) Rate and charge schedules of the District shall be adopted, modified, revised, added to or deleted by the Board by resolution. Increases in rate schedules shall be made only

after public hearing as provided in ORS 264.

SECTION 28. Water Service and Usage Charges.

- 1) The District shall by Resolution establish a water service charge for property that is connected to the system.
- 2) The District shall by Resolution establish a water usage or community charge for actual use of water from the system.
- 3) Timely payment of the water service or usage charges shall be the joint and severable responsibility of all customers and owners. For multi-tenant property served by a single meter, the owner shall be responsible for all charges.

SECTION 29. Meter Reading and Billing.

Meters shall be read at regularly established intervals as determined by the District and bills for water provided shall be based upon consumption to the nearest 100 gallons of water furnished.

SECTION 30. Adjustments of Accounts.

- 1) The District may adjust a customer's account under any of the following circumstances:
 - a) Bills for a portion of a billing period shall be prorated based upon the actual days of use, but not less than the billing period "minimum" established by resolution.
 - b) When a meter fails to register, registers inaccurately, or for any reason cannot be read, the District may compute the bill based upon average consumption during the preceding two (2) months, the usage at the same time twelve months prior, or in the absence of such consumption history, the average consumption of a similarly situated customer.
 - c) The District recognizes that leakage at a customer's premises may occur and offer to the customer the ability to apply for a one time leak adjustment credit. The customer may qualify for the one time leak adjustment credit under the following conditions. When the water bill is at least three times the amount for the same period in the prior year, (or the last three months average, if residency is less than one year) and the customer presents a written request for monetary relief, accompanied by a receipt for repair (or other satisfactory evidence of repair) of the leak within 30 days, the bill may be adjusted. Consumption based on the same period in the prior year will be billed at the regular rate. The over consumption will be billed at half the regular rate.
- 2) Where a customer has discontinued an account with a balance due and the customer applies for or maintains a different account, the balance due from the discontinued account may be transferred to the customer's active account.

SECTION 31. Prohibited Conduct.

- 1) It is unlawful and a violation of this ordinance for any customer to commit or cause any of the following acts:
 - a) Wasteful or improper use of water during times of water shortage due to drought, damage to the water system or supply capability, or unanticipated substantial demand which threatens the supply or pressure capability of the water system, or some combination of the foregoing. Wasteful or improper use under this paragraph shall include, but not be limited to, the use of water at times or in a manner, which is prohibited by the terms of any Board rule, which may be adopted by resolution.
 - b) Use of an apparatus, appliance or other equipment, which utilizes District

water service where such equipment is dangerous, unsafe or violates District ordinances or regulations.

c) Excessive demand for water service by a customer, which results or may result in inadequate service to other customers.

d) Obtaining water or other service provided under this ordinance by false or misleading acts or statements.

e) Damage, destruction, alteration, interference with, connection to or tampering with District equipment, including but not limited to the breaking or destruction of seals, destroying District shut off locks, breaking District curb stops turning on and off the water service, and damage to a meter resulting from hot water or steam from the customer's premises.

f) Except by specific written agreement from the District, the resale of water supplied by the District or the delivery of water to premises other than those specified in the application for service.

g) Except as may be needed for fire district use or as expressly permitted by the District, the operation, alteration, change, removal, disconnection, connection with or interference in any manner with any fire hydrant in the District.

h) The unauthorized connection to or turn on of any water service without authorization where such service has been disconnected or shut off.

i) Except by means of an approved metering device or by express authorization of the District, the use of any water from the water system.

j) The further use of District water service after the date shown on a request for discontinuance of such service without a request for and approval of resumption or restoration of service.

k) Violation of any provision of this ordinance.

2) In addition to any other remedy provided by District ordinance or state law, violation of any provision of this Section is a civil infraction and subject to civil penalty in the amount of \$500 per violation.

3) In addition to any other remedy provided by District ordinance or state law, where the violation of this Ordinance results in damage to or destruction of District property, the District shall have the right to recover the reasonable value or cost of repair or replacement of the property, plus twenty percent (20%) of such amount, and any legal costs and attorney's fees incurred by the District to recover.

4) Whenever it is necessary to make an inspection to enforce any of the provisions of this ordinance, or to connect, disconnect, turn on or turn off a water service, or whenever the District has reasonable cause to believe that there exists on any premises any condition which is unsafe, dangerous or hazardous to the public water supply system, District personnel may enter such premises at all reasonable times to inspect the same or to perform any duty set forth in this ordinance. If the premises are occupied, the District personnel shall first present credentials and request entry; and if such premises are not occupied the District personnel shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused or if the owner or person in control of the premises cannot be located in a timely manner, the District personnel shall have recourse to a warrant or other remedy provided by law to secure entry. Nothing contained herein shall be construed as imposing upon the District the obligation to or liability for inspection of any apparatus on the customer's premises, since such liability rests with the customer.

5) In addition to any other remedy provided by District ordinance or state law, the District may shut off or terminate water service to a customer for noncompliance with any provision of this ordinance. Noncompliance with this ordinance means failure or refusal to remedy a violation or a repeated violation for which written notice or warning of such violation has

been given either by delivery in person, by posting on the property or by delivery confirmation, registered or certified mail return receipt requested. If such noncompliance affects matters of health or safety or the security of the system, or other conditions warrant such action, such as wasteful or improper use of water, the District may shut off or terminate water service immediately.

SECTION 32. Administrative Appeal.

1) Except as otherwise provided in Subsection (2) of this Section, any person aggrieved by a ruling or interpretation of, and requesting a variance or exception from the provisions of this ordinance or a review of such ruling or interpretation shall submit a written appeal to the District, not more than ten (10) days after the ruling or interpretation. The appeal shall set forth the facts and circumstances leading to the appeal, the rule or interpretation at issue, the nature of the ruling or interpretation from which relief is sought, the impact of the rule or ruling on the appellant, together with any other reasons for the appeal. Failure of an appeal to conform to the requirements of this subsection shall be grounds for dismissal of the appeal.

2) In the case of appeals of disputes concerning water service or usage charges, in addition to the requirements of Subsection (1) of this Section, the following provisions shall apply. Unless otherwise directed by the District, where a shut off notice concerning the disputed water service or usage charge has been delivered as provided in Section 11, water service shall be discontinued unless the written appeal is accompanied by a deposit in the full amount of the disputed water service or usage charge. Such deposit shall stay the shut off of water service and shall be in addition to any applicable appeal fee. Upon the disposition of such appeal either by the District staff or upon appeal thereto by the Board, that portion of the deposit which is determined to represent correct charges shall be paid to the appropriate District account and that portion of the deposit which is determined to represent incorrect charges shall be credited to the customer's account, or if appropriate, returned to the customer.

3) The District's Manager shall review each complete appeal request. The District's Manager may request additional information from the appellant and from District's records. The District Manager shall cause to be prepared a written decision on the matter within thirty (30) days of receipt of a complete appeal. The District's Manager's written decision shall be mailed or delivered to the appellant.

4) If the appellant is dissatisfied with the District's Manager's decision, the appellant may appeal the matter to the Board. Such appeal shall be in writing and shall be actually received by the Board within ten (10) days of the date of mailing or delivery of the District's Manager's decision. Failure of an appeal to conform to the requirements of this subsection shall be grounds for dismissal of the appeal.

5) The Board shall review the written appeal of the District's Manager's decision, and any written material submitted by the District Manager, and the ordinance, rule or decision at issue. The Board may schedule a hearing by written notice not less than fourteen (14) days in advance to hear the testimony and further information. The Board may uphold, set aside, or modify the decision of the District Manager. The decision of the District Manager may be rejected or modified only if:

- a) It exceeds the authority of the District; or
- b) It was based upon an incorrect interpretation of law or ordinance; or
- c) It was not supported by substantial evidence in the record.

6) The decision of the Board shall be made in writing, and shall be sent to the appellant not more than sixty (60) days from receipt of the appeal to the Board.

7) Notwithstanding the foregoing, this section shall not apply to civil infraction proceedings initiated by the District to enforce the provisions of this ordinance. Except as

otherwise provided in Subsection (2) of this section or as directed by the District, an appeal of any ruling or interpretation to the District or the Board shall not stay the effective date of a District decision to shut off service.

SECTION 35. Collection of Accounts.

1) In addition to, and not in lieu of, the provisions of Sections 10 and 11, the District may pursue collection of delinquent accounts in any manner provided by law.

2) In the event that account collection shall be necessary, the prevailing party in such collection proceeding shall recover its costs and attorney's fees at trial and on appeal.

3) If District incurs charges to assist in the collection of an account governed by this Ordinance, including but not limited to attorney's fees and fees to transcribe or register judgments, such collection fees shall be the responsibility of the customer.

SECTION 36. Miscellaneous Provisions.

1) In consideration of use of the system, all customers of the system, all contractors who may perform work on the system in any manner and all other persons or entities whose actions may affect the system shall indemnify and hold harmless the District, its officers, employees, and representatives from and against all suits, actions or claims of any character or nature brought because of any injuries or damage received or sustained by any person or property or alleged to have been so received or sustained on account of the actions or failure to act of such customers, contractors or other persons, their subcontractors, employees or representatives. Such indemnification shall include the costs of defense of such claims, including attorney fees.

2) A customer or connector to the system does not thereby acquire a vested property interest in continued use or connection to the system. Such use or connection is conditional always upon such customer or connector complying with all applicable terms and conditions contained in this ordinance and all resolutions adopted pursuant hereto and, further, upon compliance with all federal, state or local requirements which are or may hereafter be imposed upon such customer or connector. Nothing contained herein shall require the District to provide service or access to the water system to such customer or connector when the District has determined that the public interest requires a limitation on such water service or access.

3) The invalidity of any section, subsection, paragraph, sentence or phrase of this ordinance or resolution which is adopted pursuant to this ordinance or incorporated herein, shall not affect the validity of the remaining portions thereof and a reviewing court shall sever the offensive provision so that every other section, subsection, paragraph, sentence and phrase of the ordinance shall remain effective irrespective of the invalidity of any other provision.

4) All complaints and special requests for service, and all other matters, upon which action by the District is requested or sought, shall be presented to the District in writing. The District need not give consideration to any request or complaint not so presented.

SECTION 37. Prior Ordinance Repealed.

District ordinance No. 79-1 is repealed.

First Reading:

Second Reading:

Effective Date:

CHAIRMAN

Attest:

SECRETARY