

MAR 10 2017

ORDINANCE NO. 2017-02

AT _____ O'CLOCK _____ M
 DANA W. JENKINS, COUNTY CLERK
 BY _____ DEPUTY

AN ORDINANCE OF THE OTTER ROCK WATER DISTRICT, AMENDING REGULATIONS FOR WATER SERVICE, REVISING AND UPDATING REGULATIONS AND PROCEDURES SET FORTH IN PRIOR ORDINANCES, REPEALING INCONSISTENT AND SUPERSEDED REGULATIONS, RATES, FEES, AND CHARGES

*Annotated to show deletions and additions to the code sections being modified. Deletions are bold lined through and additions are **bold underlined**.*

WHEREAS, the Otter Rock Water District (hereinafter "District") is a properly formed Domestic Water Supply District created under ORS Chapter 264; and

WHEREAS, the District is expressly authorized by Oregon Revised Statutes Chapter 264 to adopt and promulgate regulations concerning the use of water, including to require deposits, to provide for shut off procedures; and

WHEREAS, the Board of Commissioners of the Otter Rock Water District (the governing body) desires to amend and update water service regulations, repeal superseded rates, fees and charges, consistent with the 2016-2017 adopted District budget and best practices;

WHEREAS, on December 13, 2016, pursuant to published notice, the District was scheduled to conduct First Reading of Ordinance 2016-02 but by motion continued First Reading and consideration of the Ordinance to its regular meeting on January 10, 2017 with instructions to staff to renumber the ordinance and solicit additional input on the ordinance; and

WHEREAS, on January 10, 2017, the District considered the Ordinance and conducted and approved First Reading. Second Reading was scheduled for the next Regular meeting on February 14, 2017;

NOW THEREFORE, THE OTTER ROCK WATER DISTRICT ORDAINS AS FOLLOWS:

SECTION 1. *The "RATES AND REGULATIONS FOR WATER SERVICE" as adopted by the Otter Rock Water District, in March 1977 and as subsequently amended in 1987 and 1998 are hereby amended, to read as follows:*

Legal Counsel is authorized to correct any cross-references and any typographical errors. Approval of the Codification for distribution is expressly delegated to the Board President.

Board Options:

1. Read Changes since First Reading.
 2. Motion to read by Title only. Vote.
[Conduct Second Reading].
 3. Motion to approve Second Reading of Ordinance 2017-02 with changes as read and adopt the Ordinance.
- or
4. Postpone Second Reading to subsequent meeting.
 5. Do not adopt the Ordinance.

Potential Motions:

Board: Motion to read by Title only: Vote.

Counsel: [Conduct Second Reading of Ordinance by Title only]...

**AN ORDINANCE OF THE OTTER ROCK WATER DISTRICT, AMENDING
REGULATIONS FOR WATER SERVICE, REVISING AND UPDATING REGULATIONS
AND PROCEDURES SET FORTH IN PRIOR ORDINANCES, REPEALING INCONSISTENT AND
SUPERSEDED REGULATIONS, RATES, FEES, AND CHARGES**

Board: Motion to approve Second Reading of Ordinance 2017-02 with changes, as read and adopt the Ordinance.

Attachments: Ordinance 2017-02

1
2 **RATES AND REGULATIONS FOR WATER SERVICE**
3 **ADOPTED MARCH 1977**
4 **AMENDED 3-3-87, 8-4-98**
5 **February 14, 2017**

F I L E D

MAR 10 2017

6
7 ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS
8 OTTER ROCK WATER DISTRICT
9 LINCOLN COUNTY, OREGON

AT _____ O'CLOCK _____ M
DANA W. JENKINS, COUNTY CLERK
BY _____
DEPUTY

10
11 **INTRODUCTION**

- 12
13 a. Board of Commissioners elected by the people is the governing body for the Otter
14 Rock Water District, serving without pay. The Property of the District belongs to the
15 people of the District. The Commissioners request the cooperation of all the water
16 users and property owners within the District in order that the Board of
17 Commissioners can manage the system for the interest of all. Regular meetings are
18 held each month on a day fixed by the Board of Commissioners.

19
20 **SECTION 1.**

21
22 **WATER RATES: Water Rate Schedules are based upon use and occupancy classifications.**
23 **Existing rates are compiled and set forth in Ordinance 2017-01 and may be adjusted**
24 **periodically by Resolution as part of the annual budget process, after compliance with**
25 **ORS 264.312.** Classification of users ~~and rates charged~~ for water service shall be:

- 26
27 a. All residence services **are required to have a minimum ¾ inch service. \$15.00**
28 **per month in advance (3/4 inch service minimum).**
29 b. Tourist cabins, apartments, **condos**, multi unit buildings or units consisting of
30 three (3) or more living units including trailers, motor homes or mobile homes,
31 shall have a minimum of one (1) inch service and said service shall be metered.
32 **(See Section X rates). If several units or buildings are occupied and used by**
33 **a customer in the operation of a single business, the customer may obtain**
34 **utility service for the entire group of buildings through one service**
35 **connection. However, management of more than one building or unit in**
36 **separate ownerships by property management agency or manager shall not**
37 **be considered as the operation of a single business.**
38 c. All commercial users shall be metered. Meter and service to be sized to meet the
39 demand as determined by the Board of Commissioners. **(See Section X rates).**
40 **(Minimum size meter and service shall be ¾ inch I.D.) Minimum \$20.00 per**
41 **month.**
42 d. A service charge **of \$25.00 set by Ordinance or Resolution** will be made for
43 water turn on and **\$25.00** for turn off. All requests for turn on or turn off shall be
44 in writing **or by making an appointment for service with the Water District**

1 Superintendent at the District Office 541-765-2660. and remittance must
2 accompany the request.

- 3 e. ~~Water service may be turned off and on only by an approved and licensed~~
4 ~~plumber with prior notification.~~

5
6 SECTION II.

7
8 APPLICATION FOR WATER:

- 9
10 a. Applications for the use of water must be signed by the property owner and made on
11 the Water District's **approved** application form, which can be secured at the office of
12 the District. By signing said application form the applicant agrees to conform to the
13 rules and regulations of the Water District as a condition for being served with water.
14 **A request or application for service does not, in itself, constitute a contract until**
15 **the requirements contained in the District's regulations are satisfied and the**
16 **District actually delivers or is ready to deliver service to customer.** If the
17 application involves an existing service a service charge of \$25.00 **or such greater**
18 **amount as established by District Resolution,** shall be paid in advance. If said
19 application involves a new service, the applicant shall pay **such request for service**
20 **charge together with** the actual cost to the district for providing said service. **The**
21 **service will include cost of a meter for all new connections.** A minimum **service**
22 **connection** fee ~~of \$750.00 as established by Ordinance or Resolution,~~ plus any
23 amount which is deemed to be due by virtue of Section III (a) of these regulations is
24 due in advance prior to ~~the Water District~~ commencing the work of installing the
25 service. All pipe sizes are interior diameter.
26 b. No application for a service to a building or structure will be accepted if the plumbing
27 in said building or structure does not comply with applicable rules, regulations and
28 codes.
29

30 SECTION III.

31
32 SERVICE LINES:

33 The regulations of the Otter Rock Water District in respect to service lines are as follows, ~~to-~~
34 ~~wit:~~

- 35 a. SERVICE CONNECTION: Only on portions of streets where mains are laid, service pipes
36 will be laid to the property line of the user upon payment of the connection fee as
37 **required by set forth in** Section II of these regulations. PROVIDED the distance from
38 the main to the property line does not exceed 60 feet, the cost of the service line
39 beyond that distance shall be paid at the same time as the connection fee by the user.
40 All domestic service or water services shall be 3/4-inch diameter I.D. No pumps will
41 be allowed to be connected directly to any domestic **service or** water line that
42 connects to said service.
43 b. The owner shall install a **District approved shut off gate** valve ~~with a suitable drain~~
44 ~~in the water service pipe~~ to any building or structure. (The provision applies to all

1 new or existing service). Oregon State Uniform Plumbing Code Section 1005. **Gate**
2 **Shut off** valves shall be located on the applicant's property prior to the service
3 pipe entering the building or structure, and shall be accessible at all times.
4 (Generally such valves are located not more than one (1) foot or more than three
5 (3) feet from the foundation where the service pipe enters the building or structure.)~~,,~~
6 ~~and shall be accessible at all times.~~ Installation of the valve shall be inspected by
7 authorized personnel of the Water District before covering. (If it is not possible to
8 locate the valve within the prior specifications distance as set forth above, contact
9 the Water District for a variance.) All valves shall be provided with **an eight (8) inch**
10 **minimum a District-approved** valve box, with a suitable cover. All service pipes shall
11 have a minimum of twelve (12) inch cover. This provision must be completed within
12 90 days after effective date of ~~the revised regulations~~ **Ordinance 2017-02** subject to
13 disconnection of service. ~~No service charge as required by specified in Section I,~~
14 ~~paragraph d will be made for shut off or turn on for the above valve installation.~~

- 15 c. A separate service will be required for each dwelling and place of business, institution
16 and premises served except as provided in Section 1. Outbuildings used in
17 connection therewith may be served through the said service if operated by the same
18 persons and not rented, or used as a separate residence. Any building other than the
19 main residence, or trailer, mobile home or motor home used for a residence will be
20 charged as an additional service. If there are three (3) or more living units **and /or**
21 **apartments, or condos** on a property, the provisions of Section ~~1b~~ shall apply. A
22 business and dwelling occupied and operated by one person or a corporation may be
23 served as one service connection. EXCEPT as above specified when any user permits
24 another to use water from their service he shall be charged additional minimum for
25 each user so supplied and the Board may at its option order discontinuance of such
26 service.
- 27 d. SERVICE MAINTENANCE: Each user must protect his service from damage by
28 freezing, hot water, traffic or tampering. Any damage arising therefrom shall be
29 assumed by the owner. If any water line inside the property line or inside of a
30 building or structure is broken by any of the above causes and must be shut off by the
31 district at the corporation stop, a turn -off and turn-on charge will be assessed as
32 ~~required by specified in~~ Section I, paragraph d. (Absentee owners shall turn off all
33 water and the electricity to water heater when building is not occupied).
- 34 e. Leaking faucets, fixtures and lines in any building or structure must be repaired or
35 corrected by the owner at his own expense. Failure to do so will result in
36 disconnection of service and subject to penalties as specified in Section I, paragraph d.
37 The Board shall have the right to inspect at any reasonable time any and all buildings
38 or premises, to inspect plumbing pipes and compliance with the rules and regulations.
- 39 f. The district enforces its Cross Connection Control Ordinance #95-10 dated 11-7-1995.

40 SECTION IV.

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43 a. PAYMENT OF RATES:
44 BILLING: Bills for the previous month water service will be mailed by the

1 Water District office the first of each month and are payable on or before the
2 end of the month. Bills will be mailed by the Water District office the latter
3 part of each month and are payable on or before the 10th of the following
4 month. Should the user fail to receive a bill it will not be the responsibility of the

5 Water District, nor shall it relieve the duty of the user for payment thereof.

- 6 b. WHEN DELINQUENT: All bills for water service not paid as herein required ~~by the~~
7 ~~10th of the month after the bill was mailed~~ are delinquent sixty (60) thirty (30)
8 days after the date ~~when~~ the bill is payable. The customer will be sent a ten
9 (calendar) day disconnect notice and service will be disconnected without
10 further notice and the water not turned on again until such bills are paid in full
11 together with the applicable delinquency a service charge, as specified in
12 Section 1, paragraph d..

- 13 e. OWNERS' RESPONSIBILITY: The owners of the property upon which the usage of
14 the water takes place shall be responsible for any water bills not paid. An Owner
15 may direct the secretary to mail water bills to renters but will be responsible
16 for any missed bills for leased or renter water service. NO further service
17 will be given on such property until such bills are paid in full. All water bills
18 will be sent to owners of the property, whether occupied by the owner,
19 leased or rented.

20 21 SECTION V.

22
23 WATER USAGE: Water will be furnished only for ordinary domestic and community purposes.
24 Any and all usage of water will be subject to the approval of the Water District. Whenever
25 the household supply water is being jeopardized by the non-household use of water, the
26 Board can and will order the non-household use of water to be immediately discontinued.
27 For the purpose of this subsection, non-household use includes IRRIGATION OF LAWNS OR
28 FIELDS.

29 30 SECTION VI.

31 JURISDICTION:

- 32
33 a. All mains, laterals, services, and other parts of the system are under the exclusive
34 ownership and control of the District, and no person, other than a member of the
35 Board or a person authorized by the Board will be permitted to make any service
36 connection, or to remove, change, or tamper with same, or in any way interfere with
37 any main, service pipe or other part of the system or to connect any private service
38 pipe or disconnect same, or TO TURN THE WATER ON OR OFF or as stated in section
39 I, paragraph e.
- 40 b. PENALTY FOR VIOLATION: service will be disconnected and capped. Owner will then
41 be assessed service charges as required by as specified in Section I, paragraph d.

42 43 SECTION VII.

44

1 EXTENSION:

- 2 a. If a water service is desired for any tract or subdivision within the Water District it shall
3 be at the expense of the person or persons desiring service for such tract or
4 subdivision. The water distribution system shall be installed under the supervision of
5 the Board of Commissioners or their designated agent and shall conform to the
6 specifications of the State, County and Water District, and shall be conveyed upon its
7 completion and acceptance by the Water District to the Water District.
8 b. If it becomes necessary to pass over private property in order to reach applicant's
9 property, the applicant must provide an easement from the owner of such private
10 property, and the Water District shall have complete access to, ownership of, and full
11 control of said pipeline during its use in water service.
12
13

14 SECTION VIII.

15 **SHUT OFF FOR REPAIRS:**

16 **SHUT OFF / DISCONNECT**

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19 **The District may restrict or disconnect the delivery of water without notice for any of**
20 **the following reasons:**

- 21 • **Upon discovering evidence of Fraud or Tampering;**
22 • **To protect health, life or property;**
23 • **When a recognized District recognized Customer does not exist at the service**
24 **address;**
25 • **On a temporary basis for operational purposes (such as leak repair).**
26 • **A high hazard cross-connection exists.**

27 **The District may restrict or disconnect the delivery of water with no less than 24-hour**
28 **notice unless otherwise specified in these regulations for any of the following reasons:**

- 29 • **Water Service will be disconnected after written notice for failure of customer to**
30 **pay all charges, including fees and deposits, when due;**
31 • **The customer fails to contact the District to make (and keep) satisfactory**
32 **payment extensions/arrangements prior to the due date indicated on the**
33 **customer's past due notice.**
34 • **The customer issues a check for a delinquent charge and their bank does not**
35 **honor payment.**
36 • **The customer has a bad debt owing to the District, or provides false**
37 **identification or information.**
38 • **The customer does not provide reasonable access to the meter or other service**
39 **equipment.**
40 • **The Customer has not resolved a Cross Connection (Backflow) Violation.**

1 **If the District receives notice from another governmental agency, and is directed to**
2 **disconnect service due to a federal, state, or local code violation, water service will be**
3 **disconnected without written notice but with reasonable effort to make personal**
4 **contact with the customer before service is disconnected.**

5 **Prior to the termination of services for non-payment, the following actions shall be**
6 **taken by the District.**

7
8 **1. Prior to the termination date determined by the District, a past due disconnect notice**
9 **shall be mailed to the customer. The notice shall be written in clear, understandable**
10 **language and shall include the following information:**

11 **A. Amount past due.**

12 **B. Date when past due amount must be paid or satisfactory**
13 **extensions/arrangements made.**

14 **C. Reason for termination.**

15 **D. Additional charges which the customer will be required to pay if payment is not**
16 **received on or prior to the due date on the past due notice.**

17
18 **2. Service may be terminated without a courtesy call/written notice if any of the**
19 **following conditions exist:**

20
21 **A. A customer made specific payment extensions/arrangements with the Customer**
22 **Service Department to avoid disconnection of service and the**
23 **extensions/arrangements were not kept.**

24 **B. The customer issued a payment to avoid disconnection of service or to reconnect**
25 **service and payment was not honored by the financial institution.**

26 **C. Proper termination notification has been given immediately prior to moving to a**
27 **new active service location and a delinquent bill is still outstanding.**

28 **D. Service has been disconnected at a prior service location for non-payment and**
29 **the customer has moved to a new location where utility services are active.**

30 **E. The customer has not complied with immediate deposit requirements and is**
31 **residing at an active service location.**

32 **F. A high hazard cross-connection exists at the service location.**
33

34 4. Notice before shutting off water will be given if possible but in an emergency the water
35 may at any time be shut off from mains without notice, for repairs or other necessary purpose
36 and the Water District will not be responsible for any consequent damage. Should damage
37 result to a water heater or to other appliances or property of the consumer by reason of
38 water being shut off from the mains, the Water District, Commissioners, **volunteers** or
39 employees shall not be held responsible.
40

41 SECTION IX.

42 ENFORCEMENT **OF REGULATIONS:**

1
2 ~~The Board of Commissioners may refuse to supply any building or premises with water~~
3 ~~where the user fails, after ten (10) days written notice, to comply with the rules and~~
4 ~~regulations of this district. The written notice shall be by registered mail and shall be~~
5 ~~deemed given when it is deposited in the United States Post Office, properly addressed~~
6 ~~with postage prepaid.~~

7
8 Pursuant to ORS 264.306, the Board of Commissioners may refuse to supply any
9 building, place or premises with water where the user fails after five days' written
10 notice to comply with the regulations. The written notice shall be by first-class mail or
11 shall be posted in some conspicuous place on the building, place or premises to which
12 the supply of water may be shut off. When the notice is mailed, it shall be deemed
13 given when it is deposited in the United States Post Office properly addressed with
14 postage prepaid. Pursuant to ORS 264.314, in case prompt payment of water rent or
15 charge is not made, the District may shut off the water supply to the building, place or
16 premises to which the district supplied the water.

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19
20 SECTION X.

21
22 WATER METER RATES

23
24 Water Rate Schedules are based upon use and occupancy classifications. Existing rates
25 are compiled and set forth in Ordinance 2017-01 and may be adjusted periodically by
26 Resolution as part of the annual budget process, after compliance with ORS 264.312.

27
28 Cost per 1,000 Gal. _____ \$2.00

29
30 ~~Provided nevertheless, that each user shall pay not less than the following minimum~~
31 ~~monthly charge for the size meter requested and authorized for his use.~~

32

Meter Size	Gal	Minimum charge
3/4 inch	6,500	\$20.00
1 inch	10,500	\$35.00
1 1/2 inch	18,500	\$50.00
2 inch	26,500	\$65.00

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38 Turn on and turn off charges shall be as specified in Section 1, paragraph d.

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41 XI SECTION XI

42
43 ANNEXATION: no additional water services or water use will be allowed outside the
44 boundaries of the Otter Rock Water District. Any person or persons desiring water outside

1 the Otter Rock Water District boundaries may make a written request for water service to the
2 Board of Commissioners. If the Board finds that it would be in the interests of the District to
3 allow such service, the service will only be provided after the property to which service is to
4 be provided is annexed into the Water District. The person or persons requesting service
5 must take all necessary steps for annexation to the District which are required by ORS
6 Chapter 198. If such property is annexed, application for service may be made pursuant to
7 the provisions of Section II of this ordinance.
8

9 **SECTION XII.**
10

11 **RELEASE OF INFORMATION. Information collected and used by the District to conduct**
12 **utility business is subject to the Oregon Public Records Law (ORS 192.410-192.505).**
13 **Certain personally identifiable information (personal privacy exemption) about water**
14 **Customers may qualify for exemption, but the District cannot guarantee confidentiality**
15 **of Customer information which is subject to disclosure in accordance with federal or**
16 **state laws.**

17 **The District designates the Superintendent as the custodian of its public records. The**
18 **custodian will maintain, care for and control the public records owned, used or retained**
19 **by the District, under a separate Public Records policy.**

20 **Disclosure of specific account information is made in accordance with Customer**
21 **consent, or in the absence of Customer consent, disclosure may occur pursuant to a**
22 **District Attorney or Circuit Court order, or if the disclosure is otherwise in accordance**
23 **with federal or state law. The District may make Customer records available to third**
24 **party credit agencies and law enforcement personnel if the account is delinquent or**
25 **theft, tampering or damage has occurred or in connection with the establishment and**
26 **management of Customer accounts.**

27 **Upon approval of a public records request, the custodian or designated Board member**
28 **or employee will furnish proper and reasonable opportunities for any person desiring**
29 **to inspect, examine and copy the public records, in the District office at mutually**
30 **convenient business hours.**

31
32 ~~**AMENDMENT: The right is reserved by the Otter Rock Water District to amend or add**~~
33 ~~**to these rules and regulations or change the water rates as experience may show to be**~~
34 ~~**necessary.**~~

35
36 **SECTION XIII.**
37

38 **AMENDMENT: In accordance with the Ordinance adoption and Rate setting provisions**
39 **of the applicable Oregon Revised Statutes, The Otter Rock Water District reserves the**

1 right to amend or add to these rules and regulations or change the water rates as
2 experience may show to be necessary.

3
4 ~~**EFFECTIVE DATE:** This ordinance, being necessary for the preservation of the public~~
5 ~~health, safety and welfare, an emergency is declared to exist and this ordinance is~~
6 ~~effective on the date of passage. The rates here under shall take effect July 1, 1998.~~

7
8 ~~**Passed by the Board of Commissioners of the Otter Rock Water District this 4th day of**~~
9 ~~**August, 1998.**~~

10
11
12 **SECTION 2** Findings Adopted. The findings contained in the Whereas Clauses of this
13 ordinance together with the competent substantial evidence in the record of this
14 legislative proceeding are incorporated into this section by reference as if fully set
15 forth herein, and are adopted in support of this legislative action.

16
17 **SECTION 3.** Severability. The sections, subsections, paragraphs and clauses of
18 this ordinance are severable. The invalidity of one section, subsection, paragraph,
19 or clause shall not affect the validity of the remaining sections, subsections,
20 paragraphs and clauses.

21
22 **SECTION 4.** Codification. The provisions of this (Ordinance 2017-02), together with
23 the referenced fees and charges Ordinance (Ordinance 2017-01) shall be
24 incorporated into an Otter Rock Water District Code suitable for distribution to
25 ratepayers. The word "ordinance" may be changed to "code", "article", "section",
26 "chapter" or another word, and the sections of this Ordinance may be renumbered, or
27 re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e.
28 Sections 2-5) need not be codified and the Board Secretary, in consultation with Legal
29 Counsel is authorized to correct any cross-references and any typographical errors.
30 Approval of the Codification for distribution is expressly delegated to the Board
31 President.

32
33 **SECTION 5. Ordinance Effective Date.**

34 Effective Date: This Ordinance will take effect an ordinance shall take effect on the
35 30th day after it is Second Reading and adoption by the Governing Body.

36 Following a motion to be read by Title only, the foregoing ordinance was distinctly
37 read by Title only in accordance with Oregon Revised Statutes on the 10th day of
38 January, 2017 (First Reading) and was distinctly read by Title a second time on the
39 14th day of February, 2017(Second Reading).

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PASSED AND ADOPTED by the Board of Commissioners of the Otter Rock Water District this 13th day of February 2017.

Rod Zawalski 2/18/2017
ROD ZAWALSKI, DATE
BOARD PRESIDENT

ATTEST:

BOARD SECRETARY, DATE