

**YOUNG'S RIVER - LEWIS AND CLARK
DOMESTIC WATER SUPPLY DISTRICT**

ORDINANCE 2000-1

INDEX FOR ORDINANCE 2000-1
ORDINANCE RE-ESTABLISHING AND CODIFYING RULES,
REGULATIONS, RATE CHARGES, CONDITIONS FOR
WATER SERVICE AND SYSTEM DEVELOPMENT CHARGES

YOUNGS RIVER - LEWIS AND CLARK
DOMESTIC WATER SUPPLY DISTRICT

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BOARD OF COMMISSIONERS
YOUNGS RIVER - LEWIS & CLARK
DOMESTIC WATER SUPPLY DISTRICT

ORDINANCE NO.)	AN ORDINANCE RE-ESTABLISHING
)	AND CODIFYING RULES,
)	REGULATIONS, RATE CHARGES,
2000-1)	CONDITIONS FOR WATER SERVICE
)	AND SYSTEM DEVELOPMENT CHARGES
)	
)	EFFECTIVE: 30 days after adoption; to wit:
)	May 4, 2000

The Board of Commissioners of Youngs River - Lewis & Clark Domestic Water Supply District ordains as follows:

ARTICLE ONE. PURPOSE

1.1 Water Service. The Board finds that the Youngs River - Lewis & Clark Domestic Water Supply District ("District") provides a valuable public service by providing a water works and water distribution system inside and outside of the District boundaries. These water facilities constitute a public utility owned and operated by the District. The utility exists for the benefit of persons within the District who want to have the system available for supplying his or her needs for domestic, commercial, industrial, fire protection, public or other water service.

1.2 Benefit. The Board finds that the users of the District's water system ought to be charged rates that reflect the operation of the water system as a public utility within the District. People who do not use the water utility should not pay utility rates. However, some use of the water system occurs when the water

service to improve property is seized to provide water for fire suppression on the property, even though no water is being consumed by such service.

1.3 Rate Structure. The Board finds that the rate structure of the water utility should be based upon a fee for service consistent with the above findings. Although this rate structure is intended to constitute a service charge, even if it is viewed as charged against property or against a property owner as a direct consequence of ownership of that property, the utility rate structure should, nevertheless, endeavor to allow the owner the ability to control the amount of the charge. Similarly, the utility rate structure should reflect the full actual direct and indirect costs of providing the service.

1.4 Authorization of Authority. The Board finds that pursuant to this Ordinance, the District's Superintendent and employees, as agents of the Board, are authorized to enforce the District's rules and regulations and the District hereby approves the rules and regulations set forth herein and sets the rates designated herein pursuant to enactment of this Ordinance 2000-1.

ARTICLE TWO. DEFINITIONS

The following definitions are applicable to this Ordinance:

2.1 After Hours means any time other than that covered by "normal working hours" as defined herein.

2.2 Applicant means any person, corporation, association, or agency applying for water service.

2.3 Approved means accepted by District as meeting an applicable specification stated or cited in this regulation, state law or as suitable for the proposed use.

2.4 Auxiliary Water Supply means any water supply, on or available to the premises other than the supply obtained from the District water system which serves the premises in question.

2.5 Backflow means the flow of water or other liquids, mixtures or substances, under pressure or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

2.6 Backflow Preventer means a device or means designed to prevent backflow or back siphonage. It is most commonly characterized as an air gap, reduced pressure principal device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker or hose bibb vacuum breaker. All backflow prevention devices required under this Ordinance shall be of a type and model approved by the Oregon Health Division. The Division maintains a current list of backflow prevention devices approved for use in Oregon.

2.6.1 Air Gap means a physical separation sufficient to prevent backflow between the free flowing discharge in the potable water supply and any other system. It is physically defined as a distance equal to twice the inside diameter of the supply side pipe diameter but never less than one (1) inch.

2.6.2 Atmospheric Vacuum Breaker means a device which prevents back siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure on a water system.

2.6.3 Double Check Valve Assembly means an assembly of two independently operating spring loaded valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each valve.

2.6.4 Hose Bibb Vacuum Breaker means a device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.

2.6.5 Pressure Vacuum Breaker means a device consisting of a spring loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve.

2.6.6 Reduced Pressure Principal Backflow Preventer means an assembly consisting of two independently operated approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valves.

2.7 Backflow Prevention Device means that all “backflow prevention devices” required under this section shall be of a type and model approved by the Oregon Health Division. The Division maintains a current list of backflow prevention devices approved for use in Oregon.

2.8 Back Pressure means a condition in which the owner’s system pressure is greater than the supplier’s system pressure.

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

2.10 Containment means a method of backflow prevention which requires a backflow preventer at the water service entrance.

2.11 Contaminant means any substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.

2.12 Cross Connection means any actual or potential connection between the public water supply and a source of contamination or pollution. This may be caused by any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other service which contains, or may contain, contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow (bypass arrangements, jumper connections, removable sections, swivel or change over devices and other temporary or permanent devices through which, or because of which, backflow could occur are considered as cross connections).

2.13 Customer means a person, corporation, association or agency who has requested and is receiving water service.

2.14 Customer Service Line means any pipe, valves and fittings leading from the water meter into the premises served or point of ultimate use.

2.15 District means the Youngs River - Lewis & Clark Domestic Water Supply District, its superintendent, employees and/or designees (authorized agents).

2.16 District Service Line means any pipe, fittings and water meter which connect a water main to a "customer service line".

2.17 Division means the State of Oregon Public Health Division.

2.18 Domicile means and refers to a structure or part of a structure of any type, including but not limited to, non-residential buildings, houses, or multi family dwelling unit, mobile homes or trailers used for the established, fixed, permanent and ordinary use of a single commercial enterprise, a single family dwelling unit or each unit in a multiple family dwelling.

2.19 Dwelling Unit means one room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and contain independent cooking and sleeping facilities.

2.20 Fire Service means service installed for the specific purpose of fire protection (hose connection or sprinklers).

2.21 Fixture Isolation means a method of backflow prevention in which a backflow preventer is located to correct a cross connection at an in-plant location rather than at a water service connection.

2.22 Monthly Fee means the charge made to each user to cover direct and indirect costs attributable to sizing and maintenance of the water systems so that water is available for a customer's requirements upon demand. The amount of the "monthly fee" is based on the meter size (see 9.2 below).

2.23 Multiple Connections means the service of two or more domiciles from a single meter whether said domiciles are located on one or two separate parcels of property. Provided, however, when multiple domiciles are contained in the same building or on the same property under a single ownership, multiple connections are permitted.

2.24 Multiple Dwelling Unit means an attached building containing two or more dwelling units in single ownership with common walls or ceilings or floors common to another dwelling unit all under one single ownership.

2.25 New Service Deposit means a deposit of the estimated cost for labor, equipment and materials plus 15% to connect a customer service line to the District service line. The deposit must be made before any work will be started to connect new pipelines and/or services. If the estimate is less than cost, the additional amount must be paid before the water is turned on. If the amount of the estimate exceeds the actual cost of materials, equipment, and labor plus the 15% fee, the amount will be refunded after the completion of the District's work.

2.26 Normal Working Hours means any normal work day (Monday-Friday except holidays) between the hours of 8:00 a.m. and 3:00 p.m. for field work and between the hours of 8:00 a.m. and 12:00 noon for the office.

2.27 Partition means either an act of partitioning land or an area or tract of land which is divided into two or three parcels of land within a calendar year.

2.28 Person means any individual, partnership, company, public or private corporation, public subdivision or agency of State of Oregon, agency or instrumentality of the United States or any other legal entity.

2.29 Pollutant means a foreign substance that, if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such water for domestic use.

2.30 Property Owner means and refers to the owner of record whether one or more persons or entities of the fee simple title to any property within the District, including contract buyers, but excluding those having some interest merely as security for performance of an obligation.

2.31 Service means that combined facility made up of both a “district service line”, and a “customer service line”.

2.32 Single Family Dwelling Unit means a single household unit other than a mobile home whose construction is characterized by no common wall or floor ceiling common with the ceiling or floor or another unit which is a place of residence primarily established for an individual or two or more persons related by blood, marriage, adoption or legal guardianship or a group of not more than five (5) unrelated persons living together as one housekeeping unit using one kitchen in which, at a minimum, constitutes a place where one or more persons sleeps for more than a total of 30 days during a calendar year.

2.33 Subdivision means either an act of subdividing land or an area or tract of land which is divided into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

2.34 Superintendent means the primary executive employee of the District appointed by and serving at the pleasure of the Board of Commissioners. The superintendent and his delegated representatives who are in charge of the District are vested with the authority and responsibility for implementation of this Ordinance and for enforcement of the provisions of this Ordinance.

2.35 User means any person, corporation or other entity using water through an established service line.

2.36 Utility means Youngs River - Lewis and Clark Domestic Water Supply District.

2.37 Water Main means any pipe owned by the District laid in a street, alley, or easement, and used or intended to be used for distribution of water to customers through service lines.

2.38 Water Meter means any device used for the measurement of water delivered to an individual location or user (service).

2.39 Water Service Entrance means that point in the owner's water system beyond the sanitary control of the District; generally considered to be the outlet end of the water meter and always before any unprotected branch.

2.40 Water System means the system of conduits, pumps, treatment plants, and structures used for the purposes of production and conveying potable water from its source, treating in any manner and conveying to users in the District and adjacent areas.

ARTICLE THREE. ADMINISTRATION

3.1 Purpose. The District operates and manages this District in order to provide water service to the residents of the District and to carry out all functions defined by this and other Ordinances of the District.

3.2 Inspection. Each property owner shall allow his property to be inspection for possible cross connections, leaks and other issues of compliance with this Ordinance and shall comply with the provisions of the District's Ordinance.

3.3 Quality Responsibility. The owner shall be responsible for water quality beyond the outlet end of the service line (meter) and when necessary, shall install a backflow device to protect the health and safety of the District's water supply.

ARTICLE FOUR. APPLICATION FOR SERVICE

4.1 Application for Service. An application for use of water shall be made to the District at its administrative office located at 34583 Highway 105, Astoria, Oregon for changes of existing services and for new services. On the application, an applicant shall state fully and truthfully all the purposes for which water may be required, and shall agree, as a condition for such use, to conform to the provisions of the District ordinances concerning use of water. Each applicant must have no outstanding balances owed to the District on the property for which the application is made in order for the application to be approved.

4.2 Application

(a) **New Property Owner.** Application for service to all properties shall be made by the property owner regardless of whether the property is occupied by the owner, a tenant or other persons. Such applications shall be made and subject to all the rules and regulations of the District then in existence and thereafter adopted. The property owner shall make application and agree to pay all charges for the use of the water at the property or properties, as regulated by this and succeeding Ordinances, until service is disconnected and meter removed by formal application to disconnect the water service at the premises or otherwise. The application of such service shall be binding upon the property

owner making application, all succeeding property owners and all users of such service.

(b) **Existing Property Owner with Service to Property in the Name of a Tenant.** All property owners whose property is currently being served in the name of a tenant shall have 60 days after notice to make application pursuant to 4.1 and 4.2(a) above and thereby become primarily responsible for the payment of the water service for the owner's property. Failure to comply within 60 days after written notice shall be subject to termination of service by the Board of Commissioners.

4.3 Use for Purposes Applied. No customer supplied with water from the District mains will be entitled to use it for any purpose other than stated in his or her application, or to supply other person's properties or uses in any way.

4.4 New Hook-up Applications. The approval or denial for new application for new service shall be made at a regular Board meeting of the District. Approval requires a quorum of the Commissioners to approve a new hook-up application.

4.5 Change of Ownership. A new application shall be made by each succeeding property owner upon change of ownership of each property. If any present water user is in the name of a tenant, the tenant may remain responsible until the tenant vacates the premises and thereafter the property owner shall make application and become responsible for such water service fees whether occupied by the owner, a successor tenant or other person.

4.6 Deposit Fee. Upon each application, the applicant shall pay a \$50.00 deposit fee to guarantee payment of services and compliance with District

regulations. The deposit fee may be waived administratively if the District determines the applicant is already a customer of the District or recently has been a customer of the District and is in good standing for payment of the District's fees and compliance with its regulations.

4.7 Financial Responsibility. In all cases, the property owner shall be responsible for payment of water bills, fees and deposits. Except as provided in 4.5, the billings for all water services shall be directed to the property owner regardless of whether the respective property is occupied by a tenant or other person. Service may be refused to an owner's property if the owner has an outstanding balance of unpaid water charges owed to the District on the property for which the service is provided until such time as the owner pays all such past due water bills, fees and charges.

ARTICLE FIVE. REGULATION OF SERVICE FACILITIES

5.1 Customer Service Line

(a) **Definition.** Customer service lines used from the District's service line (meter) to the premises on the property and within the bounds of the premises shall meet the standards of the current addition of the Oregon State Plumbing Code and all the requirements of this Ordinance.

(b) **Responsibility.** If pressure reducers or devices which restrict backflow are installed on a customer's service line, they shall be the owner's responsibility and meet the standards of the current addition of the Oregon State Plumbing Code.

5.2 District Service Lines

(a) **Installation.** All District services lines between the main and the meter shall be installed by the District at a cost to the customer of the District's cost for materials, equipment and labor plus 15%.

(b) **Unlawful Connection.** It shall be unlawful for any person to attach to or detach from any water main or District service line, or other connection through which water is supplied by the District or to interfere in any manner with such District service lines or connections without having first obtained a written permit from the District.

(c) **Unlawful Use.** It shall be unlawful for any person to turn on water service that has previously been turned off by the District without the prior consent of the District.

(d) **Extension of New District Service Mains.** If a road is built to county specifications, the District will install a water main in a county road or a public road right-of-way at the expense of the customer. The estimated cost must be paid prior to the commencement of the installation of the District's water main. After the District water main has been built, the District will maintain it at its expense. Any person who pays the cost for such a water main connection may be eligible for reimbursement pursuant to ORS 264.320.

(e) **Private Roads.** If property owner's property is served by a private road from a county road or public road right-of-way, the District's service line and meter for each individual domicile use shall be within the right-of-way of the public or county road and each domicile shall extend customer service lines from the District meter to their property.

(f) **District Control.** It is required that all work performed on District service lines in order to install a new customer service or pipe line extension shall be performed by the District or pursuant to prior District permit and under District's supervision.

5.3 Connections to District Service Line

(a) **Prohibition.** No person may connect to or disconnect from or interfere with the District water system unless previously authorized in writing (permit) by the District.

(b) **Permits.** A person shall obtain a written permit from the District before a customer service line is connected to a water meter. Such work shall be performed at the expense of the owner of the premises. All amounts owed to the District which pertain to the property for which the connection is requested shall be paid in full before permission to connect with the District water system is granted.

(c) **System Development Charges.** All new connections will require payment of the District's system development charge in effect at the time of the application.

5.4 Water Service

(a) **Commencement.** Water service, including a meter of suitable size shall be furnished by the District upon application to the District at its District office for new installations and payment of all amounts owed with respect to the specific property including prepayment of the installation charge or estimate therefor. The District shall furnish all labor, equipment and materials necessary for construction, including meter adopter for customer service line. The

customer shall pay the District's cost of material, equipment and labor plus 15%. Any excess payment shall be refunded to the property owner.

(b) **Maintenance.** Within the District, the District maintains the District service line from the main to, and including the water meter, without further cost to the property owner. Maintenance of the customer service line beyond the meter is the sole responsibility of the customer.

(c) **Meter Size.** New water meter size shall be determined by the District. Alternative sizes, design and specified by a property owner's professional engineer or architect will be reviewed and may, in its discretion, be approved by the District.

(d) **Minimum Service Availability Requirements.** It is required that a minimum of 20 PSI during the time of severe water usage shall be available at the highest fixture in any structure constructed within the District. If the present or future water flow and pressures maintained by the District are insufficient to supply 20 PSI to the highest fixture in any structure within the District, it shall be the responsibility of the property owner to notify the District of such deficiency and to comply with District ordinances concerning the installations of pumps and pumping equipment to augment the District's pressure in order to provide adequate service to each structure.

(e) **Pumps and Pumping Equipment.** The property owner applicant for connection and service for all new construction, remodeling, expiration of existing service, or reapplication, shall provide proof satisfactory to the District that a minimum of 20 PSI during times of severe water usage shall be available at the highest fixture to be located within the structure's service. The

District shall bear no expense in this determination. The owner of any structure to be constructed within the District may augment the water flow and water pressure in order to maintain a minimum of 20 PSI during times of severe water usage at the highest fixture located within a structure by the use of pumps and pumping devices. The minimum standards and conditions for augmenting water service to customers with otherwise insufficient water pressure are set forth in Exhibit "A" attached hereto and by this reference incorporated herein. These minimum standards and conditions may be changed by the District from time to time. Prior to installation of the pumps and pumping equipment, each customer shall submit a signed application agreeing to construction in accordance with Exhibit "A". The installation must be left open for inspection until it has been inspected by the District. The pumps and pumping equipment may not be connected to the District's water system until inspected and approved by the District.

(f) **One Meter Per Separately Owned Domiciles.** A standard 5/8 inch or 3/4 inch water meter is the standard minimum size for all domiciles within the District. Any customer hooked up to this standard sized meter is entitled to serve one separately owned domicile from their meter. The property owner is not allowed to furnish water to any additional domiciles other than those under the property owner's ownership and located on the same parcel. Any attempt to do so would be classified as a multiple hookup which is not allowed in this District.

(g) **Steam Boilers.** Water for steam boilers will not be furnished by direct pressure from the District mains.

5.5 Meter Access. The District must be furnished with a set of keys in order to open locked gates or structures if the District personnel are otherwise prevented from performing their normal duties of meter reading or meter maintenance or meter installation due to such security.

5.6 Repair and Protection of Customer Service Lines

(a) All customer service lines shall be kept in repair and protected from freezing at the expense of the owner of the premises, who shall be responsible for all damages resulting from leaks or breaks of the customer service lines.

5.7 Damages to District Service Lines.

(a) **Certain Liability.** The customer shall be liable for any damage to a meter or other equipment or property owned by the District which is caused by an act of the customer or the customer's agents, invitees or tenants. Such damage shall include the breaking or destruction of locks on or near a meter, and any damage to a meter, including but not limited to that which may result from changing hot water to steam from a boiler or heater or frozen lines on the customer's premises. The District shall be reimbursed by the customer for any such damage promptly upon presentment of a bill.

5.8 Service Disconnection

(a) **Temporary Disconnection for Repairs.** Water may be turned off and on with charge during "normal working hours" for customer originated systems or equipment repairs or replacements, which are scheduled with the District.

5.9 Multiple Connections

(a) **Users Individually Metered.** Water service to each domicile under separate ownership shall be individually metered. Service to more than one user, or multiple meters for the same user on separate properties, shall not be combined for purposes of obtaining a more favorable water rate. Multiple dwelling units and housing complexes (except duplexes and triplexes), manufactured home parks, other multiple domiciles and similar users may be served through master meters if the property on which the multiple use is under single ownership and approved by District.

(b) **Change of Property Ownership.** In the event of unauthorized multiple hookup after the effective date of this Ordinance or the division of single ownership multiple domiciles with multiple connections into separate ownerships, each new property owner shall be notified to immediately terminate the multiple connection and provide individual metering for each separately owned domicile. This will require payment of system development charges for each additional hookup. In the event the customer fails to do so, the District shall immediately terminate the service to the customer. Termination of service shall necessitate additional charges for turning off and on the water.

(c) **Computation of Charges.** In the case of existing properties with one meter furnishing water to more than one domicile under a single ownership (for example apartments, and multiple domicile sites) as of the effective date of this Ordinance, the minimum billing will be based upon the number of units times the monthly fee for each. In addition, the water use shall be subject to a charge per 1,000 gallons of use.

5.10 Shut Off Because of Waste

(a) **Regulation.** Water shall not be knowingly furnished to premises where there is a defective or leaking pipe, faucet, closet or other fixture or where there is a water closet or urinal without self-closing valves or a tank without a self-acting float valve. When there is a defective or leaking fixture or when there is no shut off device and the customer fails to take prompt corrective action, the District may, at its option, shut off the water service. A shut off charge and reconnection charge shall be assessed to the property owner.

5.11 Interruptions in Service

(a) **Notice; Disclaimer of Liability.** While the District will endeavor to provide advanced notice of scheduled service interruptions, water may be turned off without notice for emergency repair or other necessary purposes. The District will not assume any responsibility for any damages as a consequence of interruption in service.

(b) **Property Owner Liability.** Any damage to the District water system or District service line as a result of faulty customer equipment or backflow will be the responsibility and liability of the property owner.

5.12 Access to Premises for Inspection

(a) **Procedure.** Persons designated by the District may inspect, at reasonable hours of the day, all parts of any building or premises to which water is delivered by the District mains to determine the conditions of the pipes and fixtures and the manner in which the water is used. Advance notice, reasonable under the circumstances shall be provided prior to inspections.

5.13 Fire Hydrants/Fire Service Lines

(a) **Regulation of Use.** Only fire district personnel and associated fire protection agencies are authorized to use the District's fire hydrants. No person may open, use, cut, change, remove, disconnect, repair, interfere or tamper in any manner with a fire hydrant owned by the District. Permits may be arranged for the temporary connection to and operation of the fire hydrants for construction activities and other District approved uses.

(b) **Fees.** Any person obtaining a permit for use of a fire hydrant shall pay a fee for such permit in addition to metered usage as listed in the fee schedule at 9.6 (a) below.

(c) **Registration of "Fire Service Lines".** "Fire service lines" may be installed at the expense of a property owner only upon prior District permit and determination of adequate water supply capability. No use or connection for other than fire protection is permitted on "fire service lines". If any connection or use other than fire protection is discovered, the entire service will be disconnected and the appropriate insurance company notified. No further service shall be permitted until necessary corrected measures are made and approved by the District.

ARTICLE SIX. REGULATION OF CUSTOMER INTERNAL WATER DISTRIBUTION SYSTEM CROSS CONNECTION WITH DISTRICT WATER SYSTEM

6.1 Purpose

(a) **System Protection.** The purpose of this Ordinance is to protect the public potable water supply served by District from the possibility of contamination or pollution by isolating, within its customer's internal

distribution system, such as contaminants or pollutants which could backflow or back siphonage into the public water system.

(b) **Regulation of Existing Cross Connections.** This Ordinance shall be used to promote the elimination of, or control of, existing cross connections, actual or potential, between the potable water supply and non-potable water.

(c) **Continuing Regulation of Cross Connections.** This Ordinance shall be used to provide for a continuing program of cross connection control which will effectively prevent the contamination or pollution of all potable water systems by cross connection.

6.2 Authority

(a) **Federal and State.** The Federal Safe Drinking Water Act of 1974 and the Statutes of the State of Oregon, Oregon Administrative Rules Chapters Number 333-61-070, Number 333-61-071 and Number 333-61-072 all state that the water supplier has the primary responsibility for preventing water from becoming contaminated from unapproved sources and for preventing any other substances from entering the public potable water supply system.

(b) **District.** The District shall administer its responsibility through this Ordinance.

6.3 Responsibility

(a) **Allocation.** The District and its customers shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back siphonage of contaminants or pollutants through water system connections. If, in the judgment of the

District, an approved backflow assembly is required at the District water connection at any customer's premises, the District, or its designated agent, shall give notice in writing to said customer to install an approved backflow prevention device on each service connection on the customer's property. The customer shall, within a time limit set by the District, in recognition of the degree of hazard, install such approved device or devices at the customer's own expense.

6.4 Administration

(a) **District Program.** The District will operate a cross connection control program, including the keeping of necessary records, to fulfill the requirement of the District's cross connection regulations.

(b) **Inspection.** Owner shall allow his property to be inspected for possible cross connections and shall follow the provisions of the program and the Division's regulations of a cross connection as identified in this Ordinance.

(c) **Property Owner Responsibility.** The District requires that the public water supply be protected from contaminates. Each owner shall be responsible for quality beyond the outlet end of the District service line (meter) and when necessary, shall utilize a backflow device for that purpose. Each property owner may use public health officials, or at the option of the District, personnel of the District or their delegated representatives to assist in the survey of facilities.

6.5 Requirements

(a) **District**

(1) **New Service.** For new installations, the District will provide outside evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required.

(2) **Existing Service.** For premises existing prior to the effective date of this Ordinance, the District may perform inspections of the property and inform the owner by letter of any corrective action deemed necessary, the achieving of the correction and the time allowed for the correction to be made. The ordinary time limit of 30 days may be shortened by District depending upon the degree of hazard involved and the history of the devices in question. The owner must comply within the time frame set by the District or their service may be disconnected or terminated.

(3) **Connection.** The District shall inform the property owner by letter of any failure to comply. The District may allow up to 15 days for the necessary correction. In the event the property owner fails to comply with the necessary correction by the time of the second reinspection, the District will inform the property owner by letter that the water service to the property owner's premises will be disconnected and terminated within a period not to exceed five (5) days. In the event that the property owner informs the District of extenuating circumstances as to why the correction has not been made, a time extension may, in the discretion of the District, be granted but in no case will exceed an additional 30 days.

(4) **Disconnection.** If the District determines at any time that a serious threat to the public health exists, the water service may be disconnected and terminated to any property.

(5) **Inspection.** The State of Oregon shall have on file a list of private contractors who are certified backflow device testers. All charges for these tests will be paid by the owner of the property.

(6) **Initiation of Program.** The District will begin initial property inspections to determine the nature of existing or potential hazards during the calendar year 2000. Initial focus will be on high hazard industries and commercial properties.

(b) **Property Owner**

(1) **Responsibility.** The property owner shall be responsible for the elimination or isolation of all cross connections on their premises.

(2) **Notice.** The property owner, after having been informed by letter from the District, shall at property owner's expense, install, maintain and test, or have tested any and all backflow preventers on owner's property. Each device and installation shall comply with all Oregon State Health Division rules and the Oregon Plumbing Code.

(3) **Connection.** The property owner shall correct any malfunctions of the backflow preventer which is revealed by annual testing.

(4) **Reporting.** The property owner shall inform the District of any proposed or modified cross connections and also any existing cross connections of which the property owner is aware but has not been found by the District.

(5) **Prohibition.** The property owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Neither the property owner nor any user tamper with backflow devices.

(6) **Installation.** The property owner shall install backflow preventers in a manner approved by the District.

(7) **Approved Devices.** The property owner shall install only backflow preventers approved by the State Health Division.

(8) **Alternative Water Service.** Any property owner having a private well or other private water source shall in no way be directly or indirectly connected to the District's system. Violation of this rule shall be grounds for immediate disconnection and termination of water service. Any property owner having a private well or other private water source on owner's property shall be required to install a backflow preventer device approved by the State Health Division and tested pursuant to 6.8 below.

6.6 Degree of Hazard

(a) **Classification.** The District recognizes the threat to the public water supply system from cross connections. All threats will be classified by degree of hazard and will require the installation of approved backflow prevention devices.

6.7 Existing In Use Backflow Prevention Devices

(a) **Pre-Existing Devices.** Any backflow prevention device installed before the effective date of this Ordinance, which was approved at the time it was installed but were not on the current list of approved devices maintained by the District or by the Oregon Department of Human Resources Health Division, shall be permitted to remain in service provided it is properly maintained, is commensurate with the degree of hazard, is tested at least annually and perform satisfactorily. When devices of this type are removed, or require more than minimal maintenance, or are in services that are modified, changed, re-sized, or

remodeled, they shall be replaced by the devices which are on the District or Oregon Department of Human Resources Health Division list of approved devices.

6.8 Public Testing

(a) **Frequency.** All testable backflow devices shall be tested and inspected at least annually or those in question, more frequently as determined by District. The testing shall be performed by a tester from a list approved by the State Health Division. This testing shall be done at the owner's expense.

(b) **Correction and Repair.** Any backflow preventer which fails during a periodic test shall be repaired or replaced. When repairs are necessary, upon completion of the repair, the device shall be retested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue if the backflow preventer fails the test and cannot be repaired immediately. Failing devices will be dealt with by the District pursuant to 6.3(a) and 6.5(a)(4) above. The property owner is responsible for spare parts, repair tools or replacement devices. Parallel installations of two devices is an effective means for the property owner insuring uninterrupted water service during testing or repair devices and is recommended when the property owner desires such continuity.

6.9 Records and Audits

(a) Records

- (1) The District will initiate and maintain the following:
 - (i) Master files on customer's cross connection tests and/or inspections.
 - (ii) Copies of compliance letters sent to customer.

- (iii) Copies of lists and summaries supplied to the District.
- (iv) Initial listing of low hazard cross connections.
- (v) Initial list of high hazard cross connections.
- (vi) A list of State approved cross connection assemblies.

(b) **Audits**

- (1) The District will submit the following to the Division:
 - (i) Annual summary of cross connection inspections to the Division.

ARTICLE SEVEN. WATER METERS

7.1 Requirements

(a) **One Connection Per Meter.** Except as specifically provided for herein, the District prohibits no more than one user connection per meter.

(b) **Mandatory Use.** No person may use District water, except through an approved water meter.

(c) **Defective Reading.** If a water meter fails to register accurately, as determined by the District, charges for water shall be based upon average quantity of water used daily as shown by the water meter when in order.

(d) **Responsibility.** Only the District shall install and maintain the District's water meters.

7.2 Changes

(a) **Interference.** Unless authorized by the District, no person may cut, change, remove, disconnect, connect, repair, interfere, meddle, tamper, turn on, or turn off, in any manner a District water meter.

(b) **Meter Relocation.** The District will not bear any expense to relocate a meter for a customer if the relocation is not beneficial to the District. If a water meter is requested to be relocated by the customer, the estimated cost (labor, equipment and materials plus 15%) to perform the work shall be paid before the work commences. Any additional amounts incurred beyond the estimate shall be paid prior to the customer service line being connected to the meter. Any excess deposit shall be refunded.

7.3 Accessibility

(a) **Responsibility.** The property owner where a water meter is located shall keep the water meter free from obstructions and accessible at all reasonable times for reading, inspecting, or repairing.

(b) **Control.** The District reserves the right to change, raise, alter, brush out, trim branches and brush, cement in place, or any other work necessary in order to keep all meters, valve boxes and appurtenances visible and easily serviceable and readable.

7.4 Sizing

(a) **Determination.** The size of the meter shall generally be at the option of the user but subject to District's final approval. The District shall insure that the size of the connection requested is reasonable for the use intended and is within the capabilities of the distribution system without diminishing the quality

of service to other uses in the vicinity. The size of the meter shall not exceed the size of the customer service line.

7.5 Abandoned Meters: New Service

(a) Unused Water Rights

(1) **District Buy Back.** Water rights that have never been used for service, whether or not a meter was installed, may be sold back to the Water District at the same system development charge in effect when they were purchased less an administrative fee and cost of meter removal upon approval by the Water District and proof of payment of system development charge by such owner.

7.6 Abandoned Meters: Existing Service

(a) Voluntary Termination of Service and Termination of Water Rights

(1) **Cessation of Use.** Water rights that have been used in the past may be terminated at the property owners request and the water rights surrendered to the District. The property owner shall be responsible for the cost of removal of the water meter. Once terminated, the property owner avoids future base rate charges and the water right is terminated.

(b) Voluntary Termination of Service and Retention of Water Rights

(1) **Cessation of Use.** If the property owner has previously financially participated in the extension of the water main serving the property pursuant to ORS 264.320, the Board of Commissioners, at its discretion, may allow the property owner to voluntarily terminate service and avoid payment of future

base rate charges but retain the water right for purposes of future connection. The property owner shall pay the District for the cost of removal of the meter upon termination and pay the District the cost for reinstallation of the meter if service is resumed in the future.

(c) **Abandonment of Service**

(1) **Procedure.** In the event a water meter is not used for a period of one year and the circumstances would tend to indicate to a reasonable person that any further use of the meter by the property owner has been terminated, the Board may, by resolution, determine that the property owner has abandoned the property owner's interest in the meter and direct the District to remove the meter. Lack of payment of water service charges shall be a prime indicator of abandonment. Upon such removal, the water right for the respective property shall be terminated without compensation to the property owner. The property owner shall be responsible to pay the District the cost of removal of the meter and termination of service.

(2) **Notice for Removal.** Except in emergency situations, no final action on abandoned water meter for existing service shall be taken without first giving ten (10) days written notice to the property owner of the property involved at the address for which the property owner is shown on the records of the District. The notice may either be mailed by First Class Mail or posted at the property upon which the meter is located.

7.7 Meter Malfunction and Checks

(a) **Determination.** In the event a customer of the District feels his/her bill is unjustified and that the water meter has misregistered, the District

will remove the questioned meter and send it to a certified tester. If said meter is proven to over-read, the District will pay the cost to have the meter tested and adjust the customer's bill back to the 12 month average. If, however, the test shows the meter to be accurate, the customer must pay the bill to test the meter, the cost of removal and reinstallation which shall be not less than \$75.00 and the full amount of the water bill or bills that are in contest.

ARTICLE EIGHT. ENFORCEMENT PROVISIONS

8.1 Water Turn Off

(a) **Conditions.** If a water user fails to comply with this Ordinance and any amendments thereto, or otherwise established conditions for the use of water, or fails to pay charges for water service in the time and manner provided, the water supply may be turned off and administrative charges applied to cover the District's costs to turn the water service off and then back on upon compliance, whether the property is occupied by the owner, tenant or other person.

8.2 Turn On Fee

(a) **Payment.** When a new or existing service is requested to be turned on, it is necessary to pay the fee to the District at the District office. The charge for turning on, during and after normal working hours, is as set forth in the fee schedule in 9.6 below.

8.3 Penalty for Delinquent Payment

(a) **Payment Due Date.** All water bills are due and payable upon receipt of the bill. If a water bill is not paid by the 15th of the month following the month of billing, the account will be considered delinquent.

(b) **Water Turn Off.** Water service may be turned off for nonpayment pursuant to ORS 264.324.

(c) **Reconnection.** Whenever the water service has been turned off because of delinquency in payment, applicable charges set forth in the fee schedule, 9.6 below, will be collected, together with all other amounts owed to District with respect to the subject property before the water is turned on.

8.4 District May Restrict Water Use

(a) **Authority.** If a shortage of water exists, the District may elect to impose restrictions on the use of water as determined by the District.

8.5 Late Payment Fee

(a) **Amount.** All water bills are due and payable upon receipt of the bill. If a water bill is not paid by the 15th of the month following the month of billing, the account shall incur a fee of 1.5% per month compounded monthly until all arrearages have been paid in full.

8.6 Unauthorized Usage

(a) **Termination of All Service and Costs.** The unauthorized turning on of the water after it has been turned off by the District may, in the discretion of the District, result in the termination of service and removal of meter. Later reconnection will require the payment of a system development charge for reconnection to the system as a new service connection.

ARTICLE NINE. FEES AND RATES FOR WATER SERVICE

9.1 Factors Considered. The District, by this Ordinance and any amendments thereto sets the fees and rates for water service and related activities as described in this Ordinance in accordance with the following factors:

(a) **Actual and Potential Use.** Water service rates shall be based upon the combination of a demand charge on open customer accounts plus a consumption charge for the volume of water consumed.

(b) **Capital Improvements.** Water service rates may also provide for payment of the costs of, or repayment of indebtedness incurred for capital improvements to the water system.

(c) **Changes.** Rates may be adjusted for this purpose system wide or with reference to specifically benefitted properties. Rates shall be reviewed by the District at least each fiscal year.

(d) **Cost Recovery.** Accountant fees, administrative fees and charges for other water service activities, including service connection charge, shall be based on the actual direct and indirect costs to the District for providing this service.

9.2 Monthly Fee

(a) **Determination.** The monthly fee is based upon meter size as determined by the District. This charge represents the proportionate share of cost each service requires to build and maintain the water system.

(b) **Amount:**

Meter Size	Base Charge/Billing
3/4 inch	\$ 15.00
1 inch	\$ 27.00
1 1/2 inch	\$ 60.00
2 inch	\$110.00

(c) **Minimum Amount:** The minimum charge per month shall be \$15.00.

(d) **Large Meters:** Meter sizes in excess of those set forth herein shall be individually rated by the District.

(e) **Monthly Fee Adjustments:** If line size is not adequate for the size of the meter, an exemption can be granted by the District.

9.3 Consumption Charge. In addition to the above base charge (9.2(b) and (c)) each customer shall pay the following additional consumption charged based upon the amount of water consumed by each customer per each billing:

(a) **Calculation.** All water consumed at the rate of \$4.07 per 1,000 gallons effective as of the date of this Ordinance. *4.98 10/4/04*

9.4 Service Installation (District Service Line) Charges. The charge for installing a district service line and meter is:

(a) **Components of Charge:** The cost of labor materials and equipment plus 15%.

9.5 Other Fees.

(a) Fire hydrant: \$10.00 per day plus \$5.00 per 1,000 gallons used.

(b) Activation of new service or account: (normal working hours) \$15.00.

(c) Turn On/Off (because of delinquent bill): \$25.00 during normal working hours.

(d) Turn On/Off (because of delinquent bill): \$45.00 after normal working hours.

(e) Delivery of delinquency notice (door hanger): \$10.00.

(f) Miscellaneous service calls: \$15.00.

9.6 Bills and Payment.

(a) Rendering of Bills.

(1) **Meter readings.** Meters will be read at regular intervals for the preparation of monthly bills and as required for the preparation of opening, closing and special bills.

(2) **Monthly Bills.** Bills for water service shall be rendered monthly or upon closing unless otherwise provided in the rate schedule.

(b) Payment of bills.

(1) **Due Date.** All bills are due and payable upon receipt.

(2) **Location.** Payment may be made in person or by mail to the District office or in person at an authorized deposit location.

(3) **Final Bills.** Closing bills will be forwarded after discontinuance of service.

(4) **Delinquent Bills.** When bills are delinquent, the District will follow the procedure set forth in 6.3.

(c) Billings of Separate Meters Not Combined.

(1) **Separate Bills.** Each meter on a customer's property will be considered separately, and the readings of two or more meters will not be combined.

9.7 Penalties. Any violation of these regulations may subject violator to turn off, \$50.00 fine or both, in addition to any other legal remedies available to the District, including but not limited to, ORS 164.125.

9.8 Bill Adjustment.

(a) **Application and Determination.** Any person requesting an adjustment on a water bill due to a leak, must do so in writing and the letter must be brought to the next regular board meeting for discussion. The Board will justify all leak adjustments on water bills at regular board meetings.

(b) **Hardship Adjustment.** An adjustment on water bills due to leaks may be allowed by District for persons whose incomes are at or below 80% of the Clatsop County median income as published annually by the U.S. Department of Housing and Urban Development (“HUD”) and the matter is promptly brought to the attention of the District and repaired or service turned off. Upon adjustment, the District may adjust the bill based on the previous six months before the leak to determine payment.

(c) **Standard Adjustment.** The standard policy for adjustment (exclusive of 9.9 (b)) is to charge the average monthly rate for the previous six months plus half of the difference between the actual usage and the average usage.

(d) Adjustments provided for herein shall not be allowed for more than two (2) months in any calendar year and are conditioned upon prompt notice to the District and prompt repair of the break or shut off of the water supply until repair.

9.9 Late Payment Fee. See 8.3 above.

SECTION TEN.

SYSTEM DEVELOPMENT CHARGES

10.1 Purpose

(a) **Statutory.** ORS 223.297 through 223.314 establish standards and criteria for adoption of system development charges.

(b) **District.** It is the goal of District to perform its functions and provide safe and pure water to its consumers in compliance with all applicable laws and regulations.

(c) **Need.** The District's water system has a limited capacity and continuing development will require the use of the District's systems remaining capacity and further require future capital improvements to expand this capacity.

(d) **Allocation.** The District desires to have an equitable distribution of the cost of providing such capacity and causing new connections to participate in the cost of the established and upgraded water facilities which are in place to make the supply of water available to the District's consumers.

(e) **Method.** The system development charge is imposed by this Ordinance based on the actual cost of providing for existing unconstructed and planned for capital improvements and does not impose charges on persons not receiving a service and not imposing a burden on the District's existing capital improvements. The justification for such increase and costs and the calculations upon which the justifications are set were prepared by the District's accountant and are attached as Exhibit "A" to Ordinance 95-1 on file at the District and which is by this reference incorporated herein.

(f) **Determination of Charge.** The methodology used to establish the District are set forth in Ordinance 95-1.

10.2 Amount. A system development charge of \$2,000.00 shall be paid by each new connection to the District's system.

10.3 Application. This applies to all new connections including connections resulting from changes of ownership of multiple users from a single owner to more than one owner which thereby necessitates separate meter service.

SECTION ELEVEN. MISCELLANEOUS

11.1 Dangerous Animals.

(a) **Responsibility.** Any customer which has on its property a dog or other animal which is known to be dangerous, shall, at the discretion of the District, be mailed a letter requesting any necessary restraint for the animal to be administered by the customer. In the event the customer fails to comply with this policy and there exists a condition which is detrimental to safety to District personnel, water service may be terminated without further notice.

SECTION TWELVE. REPEAL

12.1 Prior Inconsistent Ordinances. Any and all preceding ordinances or provisions thereof which were previously adopted by this District and are inconsistent herewith are hereby repealed and superseded by this Ordinance.

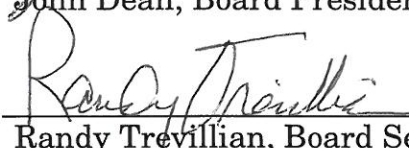
SECTION THIRTEEN. RATIFICATION

13.1 Continuation of Existing Ordinances. All prior Ordinances are still in full force and effect and as of the date of the adoption of this Ordinance 2000-1 are hereby re-adopted, ratified, and confirmed except as herein modified or amended.


ADOPTION. Passed by the Board of Commissioners present at the meeting
of _____, 2000.


**YOUNGS RIVER - LEWIS & CLARK
DOMESTIC WATER SUPPLY DISTRICT**

By: 
John Dean, Board President

By: 
Randy Trevillian, Board Secretary

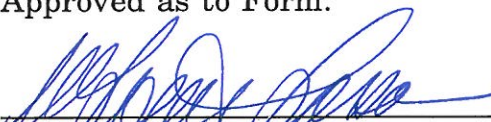
ATTEST:


Mike Caccavano, Board Member


Larry Lindgren, Board Member


Fred Mestrich, Board Member

Approved as to Form:


W. Louis Larson, Attorney for District