

Rivergrove Water District
WATER SERVICE ORDINANCE NO. 19-01

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Rivergrove Water District
WATER SERVICE ORDINANCE NO. 19-01

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. 10-01.

THE RIVERGROVE WATER DISTRICT ORDAINS AS FOLLOWS:

Section 1. PURPOSE.

(1) The District is a municipal corporation organized as a domestic water supply district under Oregon Revised Statutes (ORS) Chapter 264, whose primary purpose is to supply potable water within the confines of the District or without, 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 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 the System.

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

(5) 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 a Customer's internal distribution system(s) or a Customer's water line, such contaminants or pollutants that could Backflow into the public water System. The Cross-Connection Protection program goal of the District shall be Premises Isolation of Customer's services.

(6) The District has authority to adopt this Ordinance pursuant to ORS Chapter 264.

(7) Nothing in this Ordinance shall be interpreted to conflict with ORS Chapter 264. In case of conflict, ORS Chapter 264 controls.

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

Section 2. DEFINITIONS.¹

(1) **"Appurtenance to the Distribution System"** means any additional plumbing and/or Backflow Prevention Assembly that is added to the Service Connection in order to comply with ordinance regulations.

(2) **"Auxiliary Water Supply"** means any supply of water used to augment the public water supply, which serves the Premises in question.

¹ All definitions specified here are in Capitalized within the document.

- (3) **“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 back siphonage or backpressure.
- (4) **“Backflow Prevention Assembly”** means 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 **“DCA”** 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.
- (a) **“Double Check-Detector Backflow Prevention Assembly (DCDA)”** means a specially designed assembly composed of a line size approved Double Check Assembly with a bypass containing a specific water Meter and an approved Double Check Assembly.
- (b) **“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.
- (5) **“Board”** means the Board of Commissioners of the District, the District’s governing body.
- (6) **“Bulk Water Service”** means the limited duration use of water supplied from a fire hydrant pursuant to a Bulk Water Service permit issued by the District.
- (7) **“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.
- (8) **“Cross Connection,”** means a point in the Customer’s plumbing or District System where the public Potable Water Supply is connected directly, or has the potential of being connected, to a non-potable substance.
- (9) **“Cross Connection Program Director”** means the Board-authorized employee or agent in charge of the cross-connection program.
- (10) **“Curb Stop”** means the Shut Off on the service line supplied from the Distribution Main to the Meter.
- (11) **“Customer”** means any Person provided water by the District.
- (12) **“Customer’s Water Line”** means the pipe, valves, and fittings leading from the water Meter into and including the Premises served.
- (13) **“Degree of Hazard”** means either pollution (Non-Health Hazard) or Contamination (Health Hazard) and is determined by an evaluation of hazardous conditions within the System.
- (14) **“Discontinuance”** is the term describing when a District Customer voluntarily ends service, the Customer’s account is closed and sent a final bill as described in Section 9.

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- (3) The District finds that the operation and maintenance of the 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 the System.
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- (10) **“Curb Stop”** means the Shut Off on the service line supplied from the Distribution Main to the Meter.
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- (13) **“Degree of Hazard”** means either pollution (Non-Health Hazard) or Contamination (Health Hazard) and is determined by an evaluation of hazardous conditions within the System.
- (14) **“Discontinuance”** is the term describing when a District Customer voluntarily ends service, the Customer’s account is closed and sent a final bill as described in Section 9.

- (15) **“Distribution Main”** means 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.
- (16) **“District”** means Rivergrove Water District.
- (17) **“Fee in Lieu of Performance”** means a lump sum payment in the amount of the projected cost, certified by a registered engineer, and approved by the District’s engineer, that a developer would pay for the costs of Distribution Main extensions, upgrades, and water facilities, required as a condition of approval of development.
- (18) **“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.
- (19) **“Meter”** means a device for measuring the flow of water to a particular Premises.
- (20) **“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 example taste and odor, for potable use.
- (21) **“Person”** means and includes any natural person, firm, partnership, association or corporation.
- (22) **“Point of Use”** means the point at which the actual or potential Cross Connection exists.
- (23) **“Point of Use Isolation”** means the appropriate Backflow prevention in the Customer’s Water Line at which the actual or potential Cross Connection exists.
- (24) **“Potable Water Supply”** means water supplied by the District intended for human consumption and other domestic use.
- (25) **“Premises”** means any building, structure, improvement or parcel of land, which may now or at some future time receive water service from the District.
- (26) **“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 Premises.
- (27) **“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.
- (28) **“Shut Off”** means suspension of water service pending payment of delinquent charges or compliance with District regulations.
- (29) **“System”** means all or any part of the water system owned and operated by the District and includes but is not limited to all reservoirs, wells, pumping stations, treatment plants, transmission and Distribution Mains, lateral lines, service lines, Service Connections, Meters, Meter boxes, Backflow Prevention Assemblies, fire hydrants, and all related water system facilities and appurtenances.
- (30) **“Termination”** means permanent disconnection of water service and the closing of the service account.
- (31) **“Thermal Expansion”** means the pressure increase due to a rise in water temperature that occurs in water piping systems when such systems become "closed" by the installation of a

Backflow Prevention Assembly or other means, and will not allow for expansion beyond that point of installation.

(32) **“Transmission Main”** means 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.

(33) **“Usage Charge”** means the charge for the amount of water delivered to the Customer’s Premises.

(34) **“Variance”** means a request to or decision by the Board to vary or alter any requirements of this Ordinance.

(35) **“Vault”** means an enclosure used to protect Meters, valves or similar devices.

(36) **“Water District Manager”** means the Person appointed by the Board as the Water District Manager or the District employee, employees, or agent whom the Water District Manager may designate to carry out all or portions of the administration of this Ordinance.

(37) **“Water Service Charge”** means the charge assessed to fund the District’s System operation, maintenance, and administration costs, including without limitation, Meter reading, preparing bills, accounting for the receipt of payment, maintaining Customer records, and responding to Customer inquiries.

Section 3. SYSTEM OWNERSHIP.

The water System is owned by the District. None of the District’s properties or System facilities may be disposed of without Board approval. Legal title to the entire System, is vested in the District and shall be operated only by duly authorized District employees, personnel, contractors, and agents. The District shall at all times have the exclusive jurisdiction, possession and control of the System.

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 to the Customer 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. The fire department 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) ORS Chapter 264 sets forth the Domestic Water Supply District statutes. Those statutes set forth all District responsibilities and liabilities. This Ordinance may limit the non-mandatory responsibilities authorized under Chapter 264.
- (2) The District shall operate, maintain, and repair the System so as to keep it in good repair and operative condition at all times insofar as practical and reasonable, and in accordance with budgeting restrictions.
- (3) The District shall not be liable for damages due to interruptions of water service or variations in water pressure.
- (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 for Meter reading.

Section 6. USE OF WATER.

- (1) The District shall furnish water for all statutorily authorized purposes consistent with its water rights and the reasonable capacity of its System.
- (2) The 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) Customers may use water only in compliance with District rules, regulations, ordinances, and state law. Prohibited conduct is set forth in Section 32.

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 practicable 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, consistent with the District's Capital Improvement Plan.
- (2) The cost to replace Transmission Mains and Distribution Mains that are included in the District's adopted System Development Charge ("SDC") Capital Improvement Plan shall be paid from funds in the District's SDC account. Pursuant to Section 24 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 a property for which the developer seeks water service.

Section 8. WATER SERVICE APPLICATION AND CONNECTION.

- (1) A prospective Customer must apply for District water service using District-supplied application forms.

(2) For billing purposes, the District may presume that the owner of property is the applicant. Except as otherwise provided, water service or Usage Charges shall be mailed to the Customer at the address of the Premises where water service is furnished. The District may also mail a separate bill to the owner of leased Premises.

(3) Application for new water service to developing or redeveloping properties shall be provided at or after a pre-application conference is scheduled and held between the applicant and the District staff, at which the application and connection requirements and conditions will be identified and discussed with the applicant. 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) New and existing water service Customers shall provide the following information to the District:

- (a) The name of all prospective Customers, and, if applicable, the owner;
- (b) The location of the Premises for which the service is requested;
- (c) Requested date for the initiation of water service;
- (d) The address to which all bills shall be sent;
- (e) For property transactions, the date of close of escrow;
- (f) Whether the prospective Customer(s) is (are) the owner or tenant of the Premises;
- (g) Landlord information such as name, address, and telephone number, if applicable.
- (h) Applicant's contact information including email address, home, cellular, and work telephone numbers. With the approval of the Water District Manager, alternative contact information may be provided by the applicant.
- (i) Minimum emergency contact information for the applicant's water account including the Person's name, phone, email, address and relationship to the Customer.

(5) To complete the application process, the applicant 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) An applicant for new water service must pay all applicable deposits and fees before the District will commence water service. These fees may include but are not limited to those set forth in Section 28.

(a) At the time a written application is made for water service, the applicant shall pay to the District a fee sufficient to cover the cost of the installation in accordance with schedules established by the District. After such installation is made, the facilities shall be the property of the District.

(b) The District requires new water service applicants to deposit such sum of money as the District determines necessary to guarantee payment of charges for water service to the Premises of the prospective Customer. Such deposit, less deduction for unpaid Water Service Charges and water Usage Charges, will be repaid to the depositor without interest upon Discontinuance or Termination of service. Deposits made to the District for new accounts will be classified as District restricted monies and will be kept separately from other District funds.

- (7) The District shall keep Customer identifying information confidential to the extent required by the Oregon Public Records Law and other applicable state and federal law.
- (8) All water service accounts shall be in the names of all adult occupants 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.
- (9) 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.
- (10) 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 this Ordinance and state 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 Charges and 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 Charges and Usage Charges until such unpaid charges are paid in full.
- (11) If a Premises does not have a Meter and Backflow Prevention Assembly, the District must install that equipment before commencing water service. The Customer shall be responsible for the payment of related Installation Fees as set for the in Section 28 of this Ordinance.

Section 9. DISCONTINUANCE OF SERVICE BY CUSTOMER.

- (1) Customers of property connected to the water System may discontinue further water service 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. If the Customer does not notify the District of their Discontinuance and moves from the Premises, that Customer will remain liable for any Water Services Charges and Water Usage Charges until notification is received.
- (3) The District will make a final Meter reading on the date of Discontinuance.
- (4) The District will temporarily suspend water deliveries to a Premises at a Customer's request (for example in case of extended absence from the property). However, temporary suspension of Water Service Charges 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 Section 11 of this Ordinance.

(5) Rental property owners shall be responsible for monthly Water Service Charges and Water Usage Charges during any period when the property is vacant and those charges are not otherwise paid by the Customer/tenant discontinuing service.

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 10th 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. In addition, the District may use any other remedies available to it under Oregon law.

(2) The District shall establish the date and time that water service will be Shut Off and provide written notification to the Customer not less than five (5) business days prior to the date of Shut Off, unless otherwise stated herein.

(3) The written 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) No personal checks will be accepted to pay delinquent charges; delinquent charges must be paid in cash, credit card payments through the District website, money order, or cashier's check in order to avoid Shut Off of water service; and
- (e) The Customer should call the District office at 503-635-6041 if payment has already been made or if they have any questions concerning the water charges.

(4) Water service Shut Off shall not occur less than five (5) business days from the date notification is provided.

(5) The District shall Shut Off water service to Customer and/or Premises for any of the following reasons:

- (a) The Customer's account has become delinquent.
- (b) The Customer has failed to provide new Customer information, pay the required new account deposit, and return a signed Customer service agreement.
- (c) The Customer is found in violation of mandatory water rationing or conservation. In this instance, Shut Off will be effective immediately upon written District notification to the Customer.
- (d) The Customer has failed to complete, sign, and return a water use survey required under Section 23 of this Ordinance.
- (e) The Customer has failed to conduct a required annual test of a Point Of Use Backflow Prevention Assembly.

- (f) Where after written notification from the District, the Customer has failed to discontinue use of all Cross Connections and to physically separate Cross Connections. In this instance, Shut-Off will be effective immediately upon written District notification to the Customer. This may include direct delivery of written notice in the form of a door hanger notice.
 - (g) The Customer is in violation of any rule, administrative regulation, or ordinance of the District and where the Customer has failed, after five days' written notice to comply with such rule, regulation, or ordinance.
 - (h) The Premises' 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.
- (6) Customers contacting the District prior to the Shut Off date can negotiate an appropriate payment arrangement with the District to satisfy all delinquent charges.
- (7) On the District designated date and time for Shut Off, the Customer shall be liable to the District for a dispatch fee and water service shall be Shut Off and remain Shut Off until all Water Service Charges and all applicable fees are paid in full to satisfy the charges and fees due the District.
- (8) All delinquent Water Service Charges and fees must be paid to the District online, by mail, or in person at the District office. No personal checks will be accepted to pay delinquent charges. Delinquent charges must be paid in cash, online by credit card, money order, or cashier's check in order to avoid Shut Off of water service or to restore water service.
- (9) Where service has been Shut Off involuntarily, the District will only restore service to Premises during posted business hours.
- (10) The failure of the District to Shut Off water service for any reason, including the non-payment of Water Service Charges due, shall not constitute a waiver by the District to take such action in the future or to take other lawful steps to collect amounts owed. It shall also 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 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 Terminate water service for any reason, including the non-payment of Water Service Charges due, shall not constitute a waiver by the District to take such action in the future or to take other lawful steps to collect amounts owed. It shall also 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 one year from Termination, water service will only be restored upon the application for and creation of a new account and payment of all applicable deposits and fees, including installation and reinstatement fees.

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. EXTRATERRITORIAL WATER SERVICE.

The District does not provide extraterritorial water service to properties outside of the District Boundary. Owners of properties outside the District boundary would be required to annex into the District to acquire water service. The District would serve them if water is available with unassisted fire flow (no pumps) which meets required fire flows, and if adequate capacity is available. The annexation would be at the discretion of the Board unless the Board refers the question to the District Customers for a vote.

Section 14. BULK WATER SERVICE.

(1) Where available, a contractor or property owner may request Bulk Water 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.

(2) A Person requesting Bulk Water 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 and materials of making necessary repairs. If, in the District's sole discretion, the repair costs are found to exceed the replacement cost, the Customer shall pay the replacement cost only.

(4) Upon Termination of 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 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 15. FIRE PROTECTION SERVICE.

(1) 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 Prevention Assembly approved by the District. Service line and Meter sizes for such systems shall be as recommended by the Customer's engineer and the Fire Marshal, and approved by the District. Charges for stand-by 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.

(2) The District may relocate fire hydrants at the Customer's written request and expense, subject to approval by the District and Fire Marshal.

(3) The District has no responsibility for loss or damage due to a lack of adequate water supply or water pressure for fire protection.

Section 16. 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 17. INTERRUPTIONS IN SERVICE.

(1) The District from time to time must interrupt Customers' water service for System maintenance and improvement, including 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.

(3) 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 Customers and apportion among the District's Customers a restricted supply of water. In those circumstances, the District will apportion water 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 considers public health and safety.

Section 18. 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 pressure regulators within their Premises plumbing.

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

Section 19. 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 valve 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 District's service Meter. It is the Customer's responsibility to protect their pipes 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 20. 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 that 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 associated costs 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. Separate residences permitted under hardship provisions are no exception to this rule. 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. 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 reinstatement fees as provided in the District approved rates and fees.

Section 21. 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, provided that the Customer can demonstrate in writing that the new construction can be adequately served by the existing Meter and meets all applicable code requirements. 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 for labor, materials, and SDC upgrade fee for the larger Meter.

(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 line from the main to the Meter as well as the Meter, Meter box, and Appurtenances shall be the property of the District and not of the Person owning the Premises or paying for the installation.

(6) The Customer owns and is responsible for all water service piping from the Meter and any piping within the Premises.

Section 22. 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 to the Distribution System.

- (2) Each Customer is required to use reasonable care and diligence to protect the water Meter, Meter box, Backflow Prevention Assemblies, and Appurtenances to the Distribution System 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 encroachments (*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 to the Distribution System. 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 encroachments in a timely manner. Should the Customer fail to remove the encroachments, the District shall remove them, and the Customer shall be liable to the District for costs incurred.
- (4) Upon written Customer request, the District will test the Customer's Meter. 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 overbilling for the previous four months or two billing periods. The overbilling credit shall be determined based upon the percentage the Meter over-registers when tested.

Section 23. 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) Customers shall complete, sign, and return to the District a water use survey when required by the District Cross Connection Program Director. Failure to do so may result in the Shut Off of water services by District.
- (3) All Backflow Prevention Assemblies installed in the Customer's water line shall be a type and model approved by the District and Oregon Health Authority Drinking Water Services.
- (4) Any mobile unit or apparatus that uses District water or water from any Premises within the District shall first obtain a permit from the District and comply with all applicable restrictions and pay all applicable fees.
- (5) Premises Isolation and 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 Premises.
- (6) The District shall not be responsible for loss of pressure caused by the installation of a Backflow Prevention Assembly.
- (7) 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.

(8) The Customer is responsible for all Cross Connection control within the Premises, which shall be accomplished through Point of Use Isolation and Backflow prevention adhering to Oregon Health Authority Drinking Water Services installation standards.

(9) 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.

(10) 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.

(11) All new construction shall have an approved Backflow Prevention Assembly installed at the Service Connection.

(12) In event the Degree of Hazard of a Cross Connection on a Customer's service is determined by the District Cross Connection Program Director to be a Health Hazard, the following requirements shall apply:

(a) Auxiliary Water Supply—A reduced pressure Backflow Prevention 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's Cross Connection Program Director that there are no direct connections to the District water supply 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 Prevention Assembly shall be installed directly downstream of the service Meter.

(c) Additional costs incurred, above the normal District installation, maintenance, and testing of a Premises Isolation DCA, to install, maintain, and test a reduced pressure Backflow Prevention Assembly shall be the financial responsibility of the Customer.

(13) 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) Backflow Prevention Assemblies shall be tested upon installation and at least annually thereafter by a state certified tester. Any Backflow Prevention Assemblies found not functioning properly shall be promptly repaired or replaced at the Customer's expense. If such Backflow Prevention Assembly is not promptly repaired or replaced, the District may Shut Off water service to the Premises. The District may set fees by resolution to cover the cost of this service.

(b) The District shall have the right to demand proof of liability insurance, errors and omission insurance and confined space entry training from certified testers working in the District.

- (c) Test reports must be fully complete and returned by mail, email, or fax to the District office.
 - (d) The District's Cross Connection Program Director shall approve the type of test report forms.
 - (e) 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.
 - (f) A Reduced Pressure Backflow Prevention Assembly shall include properly located test cocks and tightly closing Shut Off valves at both ends of the assembly.
- (14) All plumbing and plumbing fixtures within buildings 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.
- (15) All structures and/or Premises served by the District shall be in compliance with the Cross Connection prevention program adopted by the District. The District shall Shut Off water service to Customers found in violation of the Cross Connection prevention program regulations. Water service shall not be restored until such violation has been corrected.
- (16) 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 that 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. In the event the District requires access to any portion of the Premises beyond the Meter, and if the Customer refuses entry to that portion of the Premises 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. The District is not required to obtain a warrant before entering any portion of the Premises upstream of the District's Meter or before temporarily shutting off the water supply at the Meter if necessary to maintain the safety of the System. 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 24. WATER FACILITIES IN GENERAL AND MAIN EXTENSIONS.

- (1) When a subdivision or partition is developed, the Developer shall at their expense, upgrade or install new water distribution and transmission facilities required to serve the development 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 the fire department for fire protection service.
- (2) The District shall pay for the cost of water supply, pumping stations, storage facilities and Transmission Mains included in the District's approved SDC Capital Improvement Plan, which the District determines are needed for the conveyance of water within the District. It shall not

pay for pumping, storage, or other facilities needed to serve a limited or local area. Those facilities shall be paid for by the Person or Persons requesting them.

(3) 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 serve 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 Developer requesting the same at actual cost, plus twenty percent (20%) for administration.

(4) The costs of Distribution Main extensions, upgrades, and water facilities required as a condition of approval of development to furnish water to Premises, developed or not, shall be at the expense of the Developer requesting such services.

(5) All such main upgrades, extensions or relocations shall be made by the District or by a contractor approved by the District in accordance with District Construction Standards. Engineering designs not prepared by the District shall be submitted to the District for plan review and approval prior to any construction.

(6) 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 upgrades 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 rights-of-way 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.

(7) Except for mains funded by SDCs, Developers requesting main extensions or fulfilling obligations to construct water facilities shall pay the full cost of the installation. The size of the main required by the District will be based upon the needs of the development being served, the type of the land uses and building types, fire protection needs, and the integrity of the District water distribution System.

(8) When the Developer requesting extension or upgrades of water mains elects to have the District provide the engineering design and contract for construction of the water main extension, advance payment shall be made by the requesting parties. The District shall prepare a detailed estimated cost to the Developer. The Developer shall make full payment of the estimated cost prior to any work being done on the upgrade or main extension. If the actual cost of the upgrade or main extension exceeds the estimated cost, the Developer shall pay the excess cost to the District prior to Service Connection. If the actual cost of the upgrade or main extension is less than the estimated cost, the District shall refund the difference to the Developer within thirty (30) days after determination of actual cost.

(9) When the Developer requesting extensions or upgrades of water mains elects to have their own engineer design the water main extension or upgrade, they will place a deposit with the District. The amount of the deposit shall be established by District resolution and will cover costs for plan review, construction inspection, as-constructed drawings, map updates, legal review, and other related District expenses. The Developer shall make full payment of the deposit before starting construction of the upgrade or main extension. If the actual cost of the District work exceeds the deposit, the Developer shall pay the excess cost to the District prior to

obtaining final acceptance and water service. If the actual cost of the District work is less than the deposit, the District shall refund the difference to the Developer within thirty (30) days after determination of the actual cost.

Section 25. OBLIGATION TO CONSTRUCT WATER FACILITIES; SECURITY; ACCEPTANCE OF IMPROVEMENTS.

- (1) Whenever a developer or property owner, herein referred to as “Developer,” 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 any portion of the District System unless the Developer has obtained express written permission from the District to do the work prior to commencement of the work, and has complied with all conditions contained in such permission, including without limitation, securing a construction performance bond.
- (3) When a 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 System 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 Rivergrove 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, including the cost of restoration of 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 Developer fulfilling its obligations to the satisfaction of District.
 - (e) If the District determines that a Developer has failed to fulfill its 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 Developer.
- (4) Upon receipt of written notice to the District that the public water 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.

(5) As an additional and separate part of the acknowledgment, the Developer shall agree to maintain the public water facility for a warranty period of one year following written final acceptance by the District, to include but not be limited to repair, replacement and all things necessary to insure the operational integrity of the water facility, and shall provide the District security in the amount of 10 percent of the cost of the improvement to insure the fulfillment of this obligation.

(6) Instead of the security and installation requirements of subsections (1) through (5) above, a Developer may pay a Fee In Lieu Of Performance to the District. This lump sum payment to the District shall be in the amount of the engineer's estimate of cost of complying with subsection (1) above and shall be approved by the District Engineer. The charge per linear foot shall be consistent with current installation prices if the District were to perform the installation.

Section 26. 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 and City of Lake Oswego Construction Standards Specifications and Details, copies of which shall be maintained at the District office.

(2) Design of System improvements shall consider provisions for extension beyond the development to adequately grid or loop the System for purposes of water service reliability and fire flow. 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. Where water mains are expected to be extended, isolation valves shall be provided near the end of the dead-end main to avoid future 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, and consistent and fully compatible with the existing System so as to permit the District to apply uniform maintenance, repair and replacement thereof.

(4) New service lines shall not be less than one inch (1") in diameter size from the main to the Meter box.

(5) All new Meters installed shall be at least one inch (1") in size.

(6) Fire hydrant model Watrous Pacer with integral storz shall be the approved fire hydrant model for the District.

(7) The Meter box will be a composite box measuring 13" x 24" and any other additional specifications for the Meter box will be in District standards.

(8) All new Distribution Mains, including Developer and District-constructed extensions and upgrades, shall be a minimum of 8 inches (8") in diameter and consist of Class 52 ductile iron pipe with restrained joints, unless otherwise approved by the District's Engineer.

(9) A Developer may request a Variance from these requirements pursuant to the process set forth in Section 33.

Section 27. 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 linear frontage of the property served in proportion to the total linear frontage 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 28. 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 System and for other materials and services provided by the District in connection with the System. The Board hereby adopts the following charge classifications:

- (a) Administration Fee. A 20% fee assessed to projects for District services that include District inspection, operation, and administration services.
- (b) Bulk Water Usage Charges. Charges relating to the temporary use of District equipment to enable water service to be temporarily obtained from a fire hydrant, including the permit fee and Usage Charges.
- (c) Delinquency Notification Fee. A penalty charge to any Customer whose account has been determined delinquent for water service or Usage Charges, or deposit payments and is notified by delivery confirmation first class mailing that the District will be implementing the Shut Off notification procedure as listed in Section 10.
- (d) Development, Review, Inspection and Acceptance Fee. Fee reimbursing the District the cost incurred for plan review, legal review, construction inspection, as-constructed drawings, map updates, staff inspection and testing assistance, chlorine disinfection and testing, and other District related expenses for new services or projects.
- (e) Installation Fees. Fees for direct connection to the System or for enlarging or adding to the Service Connection, which increases the potential flow into the Customer's Premises. These fees consist of the following:
 - (i) Dig-In Fee. This fee includes the actual costs of permits, backhoe and operator charges, labor, traffic control, backfill material, cutting and replacing asphalt, administrative fees, and other associated costs.
 - (ii) Drop-In Fee. This fee includes materials and labor required to install Meter and Backflow Prevention Assembly and associated administrative costs. District personnel must perform this part of installation.

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- (f) Dispatch Fee. Fee assessed to delinquent Customers when operational staff leaves the District office to proceed with District Shut Offs.
 - (g) New Service Fee. Fee assessed for the administrative cost of staff review to determine applicable requirements and approval process for new services and/or projects.
 - (h) Non-sufficient Funds (NSF) Fee. A fee assessed to a Customer on a check or Autopay, which is returned to the District due to insufficient funds or a closed financial account.
 - (i) Public Records Fees. Fees assessed for administrative cost of copies, production, and research involved in request for public records.
 - (j) Reinstatement Fee. Fee assessed for bringing a water service that has been terminated to a regular service status.
 - (k) Restoration Fee. A fee assessed to a Customer for the replacement of a Meter that was removed by the District due to a violation of SECTION 17(1) of this Ordinance.
 - (l) Service Delinquent Fee. Fee assessed to Customers whose accounts have been designated delinquent due to non-payment of Water Service Charges or Usage Charges.
 - (m) Shut Off lock destruction. Fee assessed to Customers who cut off the Shut Off lock, destroy it, or turn the water back on without District approval.
 - (n) Stop Payment Fee. A fee assessed for processing a stop payment on a check to a Customer due to loss or misplacement.
 - (o) System Development Charge (SDC). A reimbursement fee and/or an improvement fee assessed or collected at the time of increased usage of a capital improvement or issuance of a connection permit. System development charges are separate from and in addition to any applicable assessment, fee in lieu of assessment, or other fee or charge provided by law or imposed as condition of development. SDCs are established and updated by District ordinance.
 - (p) Trim Fee. A fee assessed to Customers who have permitted landscaping or other obstructions to impede free access to District water Meters or Appurtenances and do not remove them upon request.
 - (q) Usage Charge. A charge for the amount of water delivered to the Customer's Premises.
 - (r) Water Service Charge. Charges for provision of water, 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.
- (2) Except as specifically provided herein or by resolution, all charges and service fees shall be due and payable within fifteen (15) 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 Shut Off or Terminate water service. The expense of shut-off or Termination, 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.

Section 29. WATER SERVICE CHARGES; WATER USAGE CHARGES.

- (1) The Water Service Charge is an ongoing charge that pays for the District's operation and maintenance of the System.
- (2) The water Usage Charge described in (1)(q) is imposed when a Customer uses water from the System.
- (3) Timely payment of the Water Service Charge and Water Usage Charge are the joint and severable responsibility of all Customers associated with the account for a given Premises. For multi-tenant property served by a single Meter, the owner shall be responsible for all charges.

Section 30. 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 cubic feet of water furnished.

Section 31. 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.
 - (b) If 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) If 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 and must be paid before initiation of the new service. The District may Shut Off water service to the Premises associated with the second account if all amounts due are not paid. The District's failure to collect amounts owed before initiating new service shall not constitute a waiver of the District's right to use any available remedies under this Ordinance or Oregon law.
 - (d) The District recognizes that leakage at a Customer's Premises may occur and offers to the Customer the ability to apply for a leak adjustment credit. The intent of this District leak credit policy is to provide some financial relief to Customers who receive a water bill 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) due to a water leak at their property.
 - (i) A water leak or water leakage is defined as any water lost on the Customer's side of the District water Meter resulting from a condition where repair and/or replacement of infrastructure (service line or interior plumbing, etc.) is required to terminate the water leak.
 - (ii) To qualify for a leak adjustment credit, the leak has to be located in the underground main service line between the Meter and the house or in piping

concealed beneath a building or inside of building walls. Leaking faucets, leaking toilets, water softeners, irrigation systems or accidental over-watering are ineligible. No consideration will be given for irrigation leaks or water features (fountains, ponds, pools, hot tubs.)

(iii) Water usage resulting from conditions that did not involve repairs or replacements (such as leaving an outdoor watering hose or irrigation sprinkler system on too long) are not eligible for a water leak adjustment by the District.

(iv) Any District Customer in good standing may apply and be considered by the District to receive an adjustment to their current water bill according to this policy.

(v) To be eligible for a water leak adjustment, the Customer is first required to promptly resolve the water leakage at the Customer's own expense. The District is not fiscally responsible for repairs or replacements needed on the Customer side of the District water Meter.

(vi) Once the repairs are complete, and within one billing cycle of when repairs have been made, the Customer is responsible for requesting a water leak adjustment in writing on the approved District form either at the District office or through the District's web site at www.rivergrovewater.com,

(vii) The Customer's leak adjustment request must include a statement of where the leakage occurred, receipts from the repairs, and what steps were taken (what work was done) to terminate the water leakage.

(viii) No more than one water leak adjustment shall be granted to a Customer during a rolling 24-month period.

(ix) Upon receiving a water leak adjustment request, the District will calculate a water leak adjustment credit of up to 50% of cost of the amount of water lost. The water leak adjustment credit excludes the fixed service charge(s) portion of the bill and normal historical water use during the billing period. The Customer's cost for infrastructure repairs (materials and labor) or damage done to other property as a result of the Customer's water leak is not eligible for reimbursement by the District.

(x) If the water leak adjustment credit is approved by the District it will be applied to the Customer's account as a credit on their next regular monthly water bill.

(xi) The Customer has the right to appeal the District's leak adjustment decision to the Board at its next regular meeting.

(xii) The Customer may appeal the District's decision to the Board when the District determines that the Customer does not qualify for a leak adjustment or if the Customer disagrees with the amount of the leak adjustment.

(xiii) A Customer who chooses to appeal the decision must notify the District of their desire to appeal by submitting a written request. The Customer must indicate the reason for their appeal and include information supporting the appeal. The District will notify the Customer of the date the Board will consider the appeal. The following information is required for an appeal:

1. Customer's name, address, email, and phone number.
2. A copy of the water bill(s) in question.
3. A copy of the completed leak adjustment form (including receipts).
4. A copy of the District's decision.
5. The Board will review the Customer's appeal at the next regular monthly meeting. The District will convey the Board's decision in writing to the Customer within thirty (30) days of the review. All decisions of the Board are final.

Section 32. 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 System or supply capability, or unanticipated substantial demand which threatens the supply or pressure capability of the 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 by 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 extinguishing fires by approved fire departments, 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 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 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 that is unsafe, dangerous, or hazardous to the 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. In the event the District requires access to any portion of the Premises beyond the Meter, and if the Customer refuses entry to that portion of the Premises 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. The District is not required to obtain a warrant before entering any portion of the Premises upstream of the District's Meter or before temporarily shutting off the water supply at the Meter if necessary to maintain the safety of the System. 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 33. VARIANCES.

- (1) The District may grant a Variance from the requirements of this Ordinance in the District's sole discretion. When considering a Variance request, the District may consider all applicable factors including, but not limited to the following:

- (a) Whether the Variance is necessary to prevent unnecessary hardship;
- (b) The physical circumstances of situation involved;
- (c) Whether the situation was created by the Person requesting the Variance;
- (d) Whether the situation is the result of circumstances the Board determines are beyond the control of the applicant/land owner; and
- (e) The economic impact on the applicant if the Variance is denied.

Section 34. 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 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:

- (a) set forth the facts and circumstances leading to the appeal of the rule or interpretation at issue;
- (b) the nature of the ruling or interpretation from which relief is sought;
- (c) the impact of the rule or ruling on the appellant; and
- (d) 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 Charges 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 Charge 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 Water District Manager shall review each complete appeal request. The Manager may request additional information from the appellant and from District's records.

(4) The Water District Manager shall render a written decision on the matter within thirty (30) days of receipt of a complete appeal.

(5) The Water District Manager's written decision shall be mailed or delivered to the appellant.

(6) If the appellant is dissatisfied with the Water District 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 Water District Manager's decision.

(7) Failure of an appeal to conform to the requirements of this Section shall be grounds for dismissal of the appeal.

- (8) The Board shall review the written appeal of the Water District Manager's decision, and any written material submitted by the Water District Manager, and the ordinance, rule, or decision at issue.
- (9) The Board may schedule a hearing by written notice not less than fourteen (14) days in advance to hear the testimony and further information.
- (10) The Board may uphold, set aside, or modify the decision of the Water District Manager.
- (11) The decision of the Water 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.
- (12) 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.
- (13) Notwithstanding the foregoing, this section shall not apply to civil infraction proceedings initiated by the District to enforce the provisions of this Ordinance.
- (14) 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 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 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 that 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 that 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 consider any request or complaint not so presented.

Section 37. REVISION AND MODIFICATION OF RULES, REGULATIONS AND CHARGES.

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 38. PRIOR ORDINANCES REPEALED.

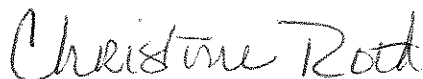
District Ordinance No. 10-01 is repealed.

Commissioner Johnson moved to adopt Ordinance 19-01. Commissioner McDowell seconded. Motion passed. Adopted this date 10/28/2019.

Voting:

Ayes: Commissioners: Patterson, McDowell, Johnson, Roth

Nays: Commissioners: None



CHAIR

Attest:



SECRETARY