

ORDINANCE No. 0509-01

**AN ORDINANCE ADOPTING REGULATIONS FOR THE SEAL ROCK WATER DISTRICT  
AND REPEALING ALL PRIOR REGULATIONS**

This Ordinance to adopt regulations of the Seal Rock Water District, and to repeal all prior regulations, was included in a published agenda, as required by statute. This Ordinance was then read at two regular meetings of the Board of Commissioners, held on April 9, 2009, and May 14, 2009. A majority of the Seal Rock Water District Board of Commissioners affirmatively voted to adopt this ordinance at the second regular meeting. The Seal Rock Water District does hereby ordain that the following Regulations of the Seal Rock Water District are adopted, and all prior regulations of the District are repealed:

**REGULATIONS**

**APPLICATION OF REGULATIONS:**

These regulations shall apply to all real property within the Seal Rock Water District, and to all users of water being supplied by the District.

**MONTHLY WATER CHARGES:**

Monthly water charges based on the type of use, the extent of use, the identity of the user as a commercial or single family consumer, the location of use as within or without the District boundaries, and the demands placed by each use on the District resources, shall be as determined by the Board of Commissioners of the Seal Rock Water District. The charges may be determined by the quantity of water consumed, the size and type of service lines or meters, and any other relevant factors.

**OTHER SERVICE CHARGES:**

The Board of Commissioners may set reasonable charges for the following services provided by the Seal Rock Water District:

Meter Connect  
After Hours Connection  
Billing Name Transfers  
Water Service Application  
Service and Repair Call Out  
Returned Check  
Delinquent Bill Notification  
Special Bill Handling  
Meter Read Final Bill  
Line Moves, Extensions and Similar Services  
Equipment Use Charges

Those services for which an hourly labor rate is designated by the Board of Commissioners shall be charged at the Fixed Hourly Rate as designated from time to time by the Board of Commissioners. Equipment Use Charges shall be equivalent to the FEMA reimbursement rates applicable at the time of service.

**SECTION 1. WATER USERS (DEFINED)**

Seal Rock Water District is incorporated under Oregon Statutes as a domestic water supply district. The first priority of the district, through the Board of Commissioners, is to serve inhabitants of the District with water for domestic purposes. The District may supply, furnish and sell for any use surplus water not required to serve the domestic needs of District inhabitants. Pursuant to ORS 264.306, whenever the household supply of water is being jeopardized by nonhousehold use of water, the District may order the nonhousehold use of water to be immediately discontinued. Nonhousehold use includes irrigation of lawns or fields.

In addition, all customers will be subject to restrictions during water shortage situations, or a drought, as declared by the District.

### SINGLE FAMILY USER:

For the purpose of the Rules and Regulations a single family water user is one to whom water is furnished for a single dwelling intended for occupancy by one family. Single family users will be allowed one (1) water meter per tax lot. In the case of merging tax lots, one meter shall be designated by the landowner to remain, and all other meters shall be subject to removal by the District without compensation to the landowner. In the event that a serviced property is partitioned, the tax lot upon which the pre-existing meter is located shall be deemed the authorized water user, and new service must be established for the other tax lot(s).

### COMMERCIAL USER:

For the purpose of the Rules and Regulations, a commercial user is any water user not defined as a single family water user.

The size and number of meters required to provide service for a commercial user shall be within the discretion of the Seal Rock Water District Commissioners. The size must be appropriate for servicing the needs of the property

## **SECTION 2. APPLICATION FOR SERVICE**

Prior to obtaining water service for a particular location, a property owner must complete and sign the District's water service application. Unless changed by acceptance and approval of a new water service application, the water may be used only in accordance with the most recent water service application for that location. Any water service not complying with this requirement may be immediately turned off.

The charges for connection to the District water supply shall be as determined by the Board of Commissioners of the Seal Rock Water District.

Upon approval of an application and payment of required fees and charges, including payment of any delinquent charges, fees, fines or penalties incurred with respect to that service location ("unpaid charges" below), the District will install or connect the service meter(s). Temporary meter hook-up may be allowed as determined by the General Manager, and is subject to being disconnected for any reason prior to approval of the water service application.

After 12 months of accumulated, unpaid charges, automatic forfeiture and termination of the water service occurs. If forfeiture occurs, service will be restored upon approval of a new water service application and payment as required by this section and Section 3.

Water service pursuant to a water service application may be terminated by a property owner, upon notification to the District. Voluntary termination shall not abate, reduce or remove any unpaid charges with respect to the service location, which must be paid prior to approval of a subsequent water service application for that property.

Until a water service application is terminated, the monthly charges for service shall continue to accrue, even if water service is shut off for nonpayment.

Upon termination of a water service application, all accrued and unpaid charges shall accrue interest at the statutory rate until paid.

Service meters remain the property of the District at all times. Repair, installation and maintenance of all water lines and valves on the property owner side of the meter are the responsibility of the property owner.

## **SECTION 3. PROPERTY OWNER RESPONSIBILITY FOR PAYMENT**

The owner of the premises to which water service is supplied is responsible for unpaid charges, and any fines or penalties imposed with respect to that water service location, regardless of who incurs them. In the event of a change in ownership, it shall be the responsibility of the new owner to apply for service under their own name. A new service application will not be approved until all prior charges, fees, fines and penalties have been paid, as provided in Section 2.

The property owner may consent to a billing change to another person, entity, or tenant, but that shall not change or eliminate the owner's responsibility for payment.

The District may shut off the water until all delinquent charges, fees, fines or penalties have been paid, as allowed by ORS 264.306 and 264.314. The District has exercised the right to impose this condition on provision of water service, as allowed by ORS 91.255(10).

## **SECTION 4. PAYMENT OF WATER BILLS**

All charges for water or services shall be due and payable on the first day of the calendar month following service, and shall become delinquent on the 10th day of that month following services. In the event that any bill is not paid when delinquent, the District reserves the right to shut off the water. Water will not be turned on until all applicable charges have been paid in cash, certified check or money order.

## **SECTION 5. SUBDIVISIONS & PARTITIONS**

Property owners requesting approval of new subdivisions for water service from Seal Rock Water District must obtain that approval prior to commencing line construction. Fees, charges and deposits associated with consideration of subdivisions and partitions shall be as determined by the Board of Commissioners of the Seal Rock Water District. Plans must be submitted in accordance with the District's Plan Requirements for Service Handout, available through the office. Approval of plans expires after 18 months, unless the approved water lines are placed in service before then. If the master plan changes prior to completion, changes may be required unless approved by the engineer.

Water lines and appurtenances shall be installed in accordance with the District's Plan Requirements for Service Handout. All costs of line placement, including any required booster pumps and fire hydrants, will be paid by the developer. The Rural Fire Protection District, serving that area of development will determine the number of fire hydrants required and their placement.

## **SECTION 6. PLUMBING PRACTICES**

All service lines from District mains shall be metered and all plumbing shall conform to plumbing practices, at a standard acceptable to the Water District. District responsibility ends at the meter; property owners are responsible for plumbing on private property. Leaks must be located and repaired by the property owner at their own expense. The District reserves the right to shut off service for failure to do so.

Service lines must be arranged to provide separate control of water supply for each house, premises, dwelling, or lot being served as a domestic user. All new connections are installed with a Customer turn off valve. Removal of this turn off valve by any person will result in a \$50.00 fine to the property owner.

Replacement of deteriorated or missing valves will be the property owner's responsibility and expense. Failure to repair or replace these valves within 30 days of notice may result in water being shut off.

Water hoses shall not be connected directly to a meter for temporary use except as provided in the District handout for temporary use. There will be a minimum fine of \$50.00 imposed for failure to comply with the temporary hookup connection instructions provided in the District handout.

## **SECTION 7. PENALTY FOR FAILURE TO COMPLY WITH RULES AND REGULATIONS**

Failure to comply with these Regulations may result in water being shut off. Water service will not be restored until all charges and penalties have been paid in full. If the District has turned off water service for any reason, and water service is then turned on by any one other than a District employee, there will be a penalty charge of \$50.00.

## **SECTION 8. ACCESS TO METER AND PREMISES FOR INSPECTION**

Agents of the Water District shall have access, upon reasonable notice and at proper hours of the day, to all parts of the buildings, premises, and meter with which water is delivered from District mains, to perform inspections and functions required by law, including administrative regulations. Refusal to allow such access shall be grounds for shutting off the water until access is permitted.

It is the property owner's responsibility to keep District meters clear of obstructions so as to allow unrestricted access to the meters. The District reserves the right to discontinue water service to obstructed meters. Water service may be turned off at the District main and the property owner will be liable for the costs incurred in doing so.

## **SECTION 9. ACCESS TO WATER LINES AND MAINTENANCE OF EASEMENTS**

It is the property owner's responsibility to keep District service lines and mains reasonably accessible for inspection, repair, and replacement, to the extent the same are located on their property. Any plants which pose a danger to the water lines because of intrusive root systems shall be removed by the property owner upon request by the District. Structures, vehicles and plants which impede access shall be removed by the property owner upon request by the District. If the property owner fails to remove the structures, vehicles or plants as requested by the District within 15 days, the District may remove them and include the reasonable charges with the water bill. Any debris may be left by the District on the property owner's land, and the property owner shall be responsible for any further removal costs. In the event of an emergency, the District may remove structures, vehicles and plants which impede access, and likewise charge the property owner for the reasonable cost of removal.

To the extent that plants within a road, street or highway adjacent to a property owner pose a danger to the water lines because of intrusive root systems, the property owner shall be deemed to have consented to removal of those plants. If the property owner has placed any structure, vehicle, or planted any vegetation within said right-of-way, the property owner shall be responsible for removing the same, and for paying any costs of removal, as provided in the preceding paragraph.

**SECTION 10. SHUT OFF FOR REPAIRS**

If possible, notice will be given prior to shut off for repairs. In case of emergency repairs, or other necessary purposes, the water may be shut off from the mains without notice, and the Water District shall not be responsible for any resulting damages.

Water for steam boilers or power purposes will not be furnished by direct pressure from the mains of the District. Tanks for holding an ample reserve of water shall be provided by the owners of the boilers, as well as any water required for any other auxiliary use.

Should damage result to a water heater or other appliance, or property of the consumer, by reason of water being shut off from the District mains, the Water District, Commissioners, and Employees shall not be held responsible. All properties should be properly plumbed to prevent damage.

**SECTION 11. WATER CHARGES ON FAULTY AND OBSTRUCTED METERS**

When a meter is obstructed, through no fault of the patron, and can not be read, or the meter fails to register accurately, charges will be made according to the average quantity of water used during a comparable 3 month period of time as deemed appropriate by the District.

**SECTION 12. ILLEGAL USE OF WATER**

If it has been determined that theft of water has occurred, the District will charge the person committing that theft for gallons used, estimated to the best of the District's ability, but not less than 10,000 gallons, plus a fine equal to 10 times the total dollar amount charged for the illegal water use. If the water was taken by a person with an approved water service application within the District, or if the water was used for the benefit of a property within the District which is subject of an approved water service application, the District may include the total charge for water usage and the fine on the water bill of the person who took the water and on the water bill of the benefited property. Those persons responsible may also be subject to criminal prosecution.

**SECTION 13. AMENDMENTS OR ADDITIONS**

The Water District reserves the right to amend or add to these regulations at any time.

APPROVED BY THE DISTRICT this 14 May, 2009

John B. Garcia  
President  
Paul J. Goble  
[Signature]  
[Signature]

PASSED BY A MAJORITY OF THE BOARD OF COMMISSIONERS  
this 5/14, 2009

Saundra Mies-Grantham  
Secretary

I, SAUNDRA MIES-GRANTHAM, Secretary of the Board of Commissioners of the Seal Rock Water District, do hereby certify that the above copy of an Ordinance amending the Regulations of the Seal Rock Water District is a complete, true and correct copy of the original Ordinance and that the original Ordinance is on file in the original records of the Seal Rock Water District at the office of the said district in Lincoln County, Oregon.

Saundra Mies-Grantham  
Saundra Mies-Grantham, Secretary



**Dana W. Jenkins**  
LINCOLN COUNTY CLERK  
225 W. Olive Street-Room 201  
Newport, Oregon 97365

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*Rules + Regulations Ordinance*  
~~2009-2010 Budget for~~ Seal Rock Water District

FILED

MAY 20 2009

Was received in the Clerk's office on May 20, 2009

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

*Betty Parker*  
Deputy