

**OCEANSIDE WATER DISTRICT
ORDINANCE 14-01**

**AN ORDINANCE REGULATING THE WATER SYSTEM
DISTRIBUTION SYSTEM, SETTING PROCEDURES FOR CHARGES AND
FEES AND REPEALING ORDINANCE 97-1**

THE OCEANSIDE WATER DISTRICT ORDAINS AS FOLLOWS:

Section 1. **GENERAL PROVISIONS.** The water system shall be under the supervision of the District Board which shall appoint the person to have direct responsibility for the repair and maintenance of the physical works and to keep records and submit reports required by governmental agencies (Federal and State).

Section 2. **REPEAL.** This Ordinance Repeals Ordinance 97-1 and Resolution 04-01 in their entirety and repeals any Ordinances and Resolutions in conflict with the terms herein.

Section 3. **DEFINITIONS.** As used in this chapter:

3.1 “Abandoned” means a property or service that has had water service disconnected for more than one year and must pay a new systems development charge to return to service.

3.2 “Base rate” means the minimum monthly service charge for a service provided, by diameter.

3.3 “Bulk service” means temporary use of fire hydrants for water service.

3.4 “Charge” means any sum of money assessed against any person by the District for water services supplied to such person.

3.5 “Development” means any simultaneous development of three or more parcels of land, or any service requiring more than a ¾” service line, whether it be residential or business, which is not currently served by the District.

3.6 “District” means the Oceanside Water District.

3.7 “Disconnection” and “reconnection” means that the water meter has been physically removed and/or the water service capped; and vice versa.

3.8 “Due” means the day the District deposits in the United States Post Office a written notice of a charge.

3.9 “Installation” means that a service line has been created off the District’s water system, including the addition of a water meter and/or connection of the water line to the property.

3.10 “Satisfactory credit” means that the person or Applicant has had no water shut-off notices delivered, and/or temporary shut-off of service for nonpayment during the prior three-year period.

3.11 “Turn-on” and “turn-off” means that the water meter is physically engaged or disengaged by the District for a period of less than one year.

3.12 “User” means the owner of the property, regardless of who is occupying the property to which service will be or is supplied.

3.13 “Water” includes all services rendered by the District for water users in connection with the supplying of water to each user.

Section 4. **APPLICATION FOR WATER SERVICE**. Each applicant for water service shall sign an application form provided by the District giving the date of application, location of premises to be served, including tax lot number, the date applicant desires services to begin, the purpose for which service is to be used, the address for mailing of the billings, a telephone number where applicant can be reached, an email address if available, and such other information as the District may reasonably require. Each dwelling unit or business shall have a separate application form and a separate connection. In signing the application the applicant agrees to abide by the rules and regulations of the District. The application is merely a written request for service and does not bind the District to serve.

4.1 OWNER ACCEPTANCE. If the applicant is someone other than the owner of the property, the applicant shall obtain the signature of the owner on the Application form, in which the owner agrees to accept liability for the applicant’s delinquent water bills.

4.2 APPLICATION FEE. The Applicant shall pay, at the time that the Application form is submitted to the District, a non-refundable application fee, to be set by the District. The Application fee shall be equal to one month’s base rate for the same class or category of customer as the Applicant.

4.3 CHARGES FOR CONNECTION. The applicant shall pay, upon approval by the Board for connection, and prior to actual connection to the system, the following fees as may be applicable:

4.3.1 Non-refundable application fee;

- 4.3.2 Service Connection fee;
- 4.3.3 Security Deposit, if applicable;
- 4.3.4 Systems Development Charge, if applicable;
- 4.3.5 Prorate Water Main Extension reimbursement, if applicable.

Section 5. **SERVICE CONNECTION FEE:**

5.1 No connection to a water main shall be made until the application for water is accepted by the District. Applications for new connections or change in service must be made to the Board. Use classification shall be as established by the Board. The District shall provide a water service connection to the property line of the applicant except in instances of subdivisions, etc. Included in this service connection are the labor and materials to locate and tap the water main; provide a turn off valve; and install a service line, meter-box and 3/4 inch water meter. The meter box shall normally be located on the applicant's property line and be located on public domain unless by mutual agreement is located elsewhere. If it is located on the applicant's property, then applicant, by their application, allows the District to go onto the property for the purpose of servicing the District's portion of the water line and the meter, without trespass. The service connection includes a shut-off valve for customer's use. The cost of installation of the service connection; labor, contracted effort, materials, and any other direct expenses, including any legal expenses of the District, shall be charged to the applicant and paid prior to the connection to the District system.

Section 6. **SYSTEMS DEVELOPMENT CHARGES.** All new service connections and all service connections made after one year of no water service to the subject property, shall be required to pay the Systems Development Charge then in effect within the District as a condition to obtaining water service.

6.1 No prepayment of any System Development Charge will be allowed, without a building permit and payment of all other fees. Once connection is completed, the monthly service fee shall commence to be billed.

6.2 For those properties in which prepayment was made, but no connection has yet occurred, the property owner is responsible for providing proof of prior payment of the Systems Development Charge (SDC). In the event that an owner can provide sufficient documentation to show proof of payment, the amount paid, without any credit for interest, shall be credited against the Systems Development Charge in effect at the time of application of a service connection. If SDCs were issued as credits to a developer in exchange for improvements to the water distribution system, those SDC credits must be used within 10 years from the date the credits were issued per OR 223.304 (5)(d).

Section 7. **DISTRICT RESPONSIBILITIES.** The following are District responsibilities:

7.1 The District will maintain and replace mains within the distribution system at
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its expense, provided the original installation was made by or accepted by the District.

7.2 The District will pay for the cost of water supply, pumping stations, storage facilities and primary mains in existence, for the general distribution of water within the District. The District is only responsible for the District lines up to and including the service meter. The lines from the service meter to the building being served is the responsibility of the property owner or applicant.

Section 8. **OWNER RESPONSIBILITIES.**

8.1 All service pipes from the water meter to the premises served shall be installed at the cost of the owner of the property to be served or his agent.

8.2 All repair and replacement for pipes and plumbing systems beyond the water meter shall be the responsibility of the property owner. In case of emergency the District may shut off the water to any affected property.

8.3 For any meters that currently exist on private property, in the event of meter replacement or line repair by the District, the District may move the water meter to the public right-of-way. In such an event, the owner of the property is solely responsible for connection of the premises to the newly located water meter and for the payment of all costs associated therewith.

Section 9. **EXTENSIONS OF SERVICES/SUBDIVISIONS AND DEVELOPMENTS.**

9.1 PROCEDURE FOR OBTAINING SERVICES. The District will not pay the cost of main extensions, main enlargements, and service connections to service additional customers, properties, tracts or subdivisions. Such extensions, when requested, shall be paid for by the person or persons requesting such extensions. If constructed by the District, a written agreement shall be required, and payment of the estimated costs paid, before the District undertakes any action, with payment being based on actual construction cost to the District; including direct and indirect expenses for materials, labor, equipment rental, planning, engineering, legal and inspection of construction, etc., plus 15% for District supervision and overhead. Where construction is not done by the District, all construction must be according to State of Oregon standards and be approved by the District prior to connection to the District system.

9.2 PRORATA REFUND OF MAIN EXTENSION COSTS, ORS 264.320. A person who pays to extend a water main line to their property, which then allows other property owners to obtain water service through the extended main line, shall provide to the District, copies of the invoices for the cost of the main line extension, including engineering fees, within 90 days after completion of the water main extension. The District shall then review the costs and approve an amount eligible for reimbursement to the person providing payment of the water main extension. The District shall prorate the cost amongst the potentially benefited properties that are not already served by water, in accordance with either a straight pro-rata amount or by the amount of frontage of each

benefitted property, whichever procedure the District Board determines is best utilized. The District shall adopt an Ordinance or a Resolution identifying the parcels benefitted and the amount of their prorata contribution and the end date that the contribution will be collected by the District. It is up to the person who paid for the water main extension costs to provide a mailing and other contact information to the District for a period of 10 years after the completion of the water main extension. The District shall collect the prorata share of the water main extension costs from the benefitted properties in accordance with Section 4.4.

Section 10. **EASEMENTS ON PRIVATE PROPERTY**. No lines, mains or extensions of mains, placed in private property will be furnished with water until properly approved and recorded easements for servicing such lines have been furnished to the Water District and until such lines, mains or extensions have been tested, inspected, disinfected and accepted by the Water District.

For existing water service lines and meters on private property, the property owner is deemed to provide authorization to the District to come onto their property for the purpose of reading any water meters and inspection, repairing and replacing any lines currently on private property, without any trespass.

In the event that there needs to be a repair or replacement of any line up to and including the water meter, then the water meter shall be moved onto the public right-of-way wherever feasible and the property owner shall be solely responsible for laying, repairing or replacing any line from the water meter to servicing of their building.

Section 11. **BILLING AND CHARGES**.

11.1 RATES AND CHARGES. The rates for water service and various services of the District shall be set by the Board by Resolution. A current copy of such rate schedule shall be kept at the District office and shall be available to public inspection. All water having passed through the meter is the responsibility of the property owner.

11.1.1 User Fees shall be billed to the owner of the property and are billed on a prorated basis for the fiscal year period from July 1 through June 30. After receiving the initial annual statement, the Property Owner may choose to pay annually or quarterly.

11.1.2 Annual payments must be received by the District in full by the last day of the first quarter billed to avoid a Delinquency Fee. Quarterly payments must be received in the District office within 30 days of the date of the quarterly billing to avoid a Delinquency Fee.

11.2 DELINQUENCY FEE. All bills not paid in full within the due date set forth in Paragraph 11.1.2 shall be assessed a Delinquency Fee.

11.3 INTEREST. In addition to the Delinquency Fee, all accounts not paid in full by the due date of the bill as set forth in Paragraph 11.1.2 shall also accrue interest at the rate of 18% per annum on the unpaid balance from the due date.

11.4 SECURITY DEPOSIT. If a customer has been late in payment of a District bill twice within any 12 month time period, then that customer will be considered an “at risk” customer. The District shall require an additional deposit payment for the continuation of water service by the District as set forth in the Rate Resolution. This deposit will either be reimbursed to the customer in full, upon the customer no longer requiring District service, or used as a last payment against any outstanding charges the customer has incurred up until that time, with the balance being returned to the customer.

Section 12. **DELINQUENT ACCOUNTS.**

12.1 Any account that is not paid within the time specified in Paragraph 11.1.2 herein, will be considered delinquent. The District shall cause a notice to be sent to be providing for a 10 day Notice of Disconnection.

12.2 In order to avoid the District disconnecting service, the owner must bring the account current. If payment in full is not received by the District within the time specified in the Notice, the District shall send to the owner a certified mail notice. If no payment is made within 30 days of the certified mail notice, the District will lock-off the customer’s water meter and the customer will be charged the lock-off charge, as set forth in the Rate Resolution. Likewise, a lock removal fee will be charged in order for the staff to remove the lock to continue service, as set forth in the Rate Resolution.

12.3. Any reconnection of service shall be subject making application for water service and payment of all delinquent amounts, payment of the reconnection fee and payment of any security deposit that may be required. In addition, if the property has been disconnected for more than 12 consecutive months, there must be payment of the Systems Development Charge in effect at the time of application for water service.

12.4 Upon disconnecting service to a property, the District may establish a lien upon the property, as provided by statute. The District may file with the Clerk of Tillamook County a statement of lien claim against the property serviced. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the District claims a lien for this amount as well as for all charges for water supplied subsequent to the period covered by the bill. A lien fee shall be charged and included in the lien to cover administrative costs and any recording costs, as set forth in the Rate Resolution.

12.5 At the election of the District, delinquent accounts may be referred to an outside entity for collection purposes. In such an event, a surcharge of 50% of the outstanding bill total will be added to the bill to offset the fees incurred by the District in collection of the account.

Section 13. **VOLUNTARY TURN ON/TURN OFF.**

13.1 Any person may request the District in writing to turn off their service, subject to the person paying a turn off fee, established by the District. During the time that the water service is turned off, the District shall charge the person a “stand by” or “base fee,” established by the District.

13.2 In the event that water service is voluntarily turned off or disconnected for more than 12 consecutive months, then the service will automatically be considered “abandoned” by the District. In the event that the owner wishes to reconnect service after one year of non-use, the person shall be subject to all of the procedures and fees to establish a new service connection, including payment of a new Systems Development charge.

13.3 The District does not allow the temporary discontinuation of sanitary water service in order for the property owner to avoid paying user fees. The cost of providing service and continuing to make the service available is fairly constant, irrespective of the frequency or type of use exercised by the owner. Re-connection within 12 months of disconnection of service shall require payment of applicable user fees for the period service was not provided.

The only option available for discontinuing user service fees is by the removal of the water meter. The District will cause this work to be performed at the owner’s written request and upon pre-payment of all associated fees. All work done on the water service line will be inspected by a District representative. If the water meter is removed, the owner will no longer be considered a current customer and any future application for water service will be subject to payment of all applicable fees and charges, including, but not limited to, a new Systems Development Charge fee.

Section 14. **METERS.**

14.1 All premises using the District water supply must be equipped with an adequate water meter installed by the District, provided that water service may be supplied by the District at a flat rate of charge until such meter may be installed.

14.2 Meters shall normally be placed where reasonably accessible in a public right-of-way adjacent to the property to be served. The meters will not be located on private property or in driveways or other locations where damage to the meter or its related parts may occur. Costs of any damage to meters, meter boxes etc. shall be charged to the property owner.

14.3 The District shall read or cause to be read every water meter used in the District at such times as are necessary. Meters shall be kept free of debris, obstructions, etc. by the property owner.

14.4 Any District water meter shall be taken out and tested upon complaint of the consumer, upon payment of a scheduled fee established by the Board. If upon testing the meter is not within three percent of being accurate, it shall be repaired or replaced at the cost of the District and the fee returned to the consumer. If the meter is at 3% or less error range, the owner shall be responsible for the payment of the removal and replacement of the meter and the cost of testing.

Section 15. **UNAUTHORIZED SERVICE**: No water from the District water supply may be turned on for service into any premises by any person not authorized by the Board to perform this service. Where water service has been discontinued by the District and the water is turned on by the property owner or other unauthorized person the water may then be shut off or the meter removed. The charges for turning on the water or removing the meter shall be established by the Board and published in its schedule of fees. These charges shall be billed to the property owner. Water shall not be furnished to the premises or property owner until such charges are paid and the District has reasonable assurance that the violation will not recur.

Section 16. **RESALE AND UNAUTHORIZED USE**:

No water from the District's water system shall be resold or distributed by the recipient thereof from the District supply to any premises or property other than that for which application has been made and service provided. The District shall have the right to immediately terminate service to any property owner found furnishing water in violation of this section.

Section 17. **CROSS CONNECTIONS**. A cross connection is any physical connection between the District's system and another source. The Oregon State Division of Health Service prohibits cross connections.

The District will not permit any cross connection to its water distribution system and will immediately discontinue service to any property owner where a cross connection exists. Service will not be restored until the cross connection is eliminated. Property owners using water from one or more sources in addition to receiving water from the District on the same premises shall maintain separate systems for each; and the District's water supply facilities shall be separated from any and all other systems by an air gap of not less than one foot, or if in the ground, by not less than five feet.

Section 18. **TAMPERING**: It shall be unlawful for any unauthorized person to tamper with, alter or injure any part of the water or supply system, or any meter. A fine in an amount determined by the Board shall be levied for any such tampering, in addition to any other remedy, including discontinuation of water service.

Section 19. **LIMITED SUPPLY OF WATER**: Whenever the household supply of water is being jeopardized by non-household use of water, the District may order the

non-household use of water to be discontinued immediately. Non-household use shall include, but not be limited to irrigation of lawns or fields.

Section 20. **RESTRICTIONS ON NEW SERVICE**: Whenever, in the opinion of the Board, the available supply of water is insufficient to supply any additional services, the Board may refuse further applications. Notice of the intent to refuse to supply new connections until the water supply is adequate shall be forwarded to the County Planning Department Office.

PASSED on this 16 day of June, 2014.

/S/
Bob Garrigues, Chair
Oceanside Water District

/S/
Henry Wheeler, Secretary
Oceanside Water District