



ORDINANCE NO. 13-01

AMENDED 14-02* & 20-01**

AN ORDINANCE ADOPTING REGULATIONS FOR THE GENERAL OPERATIONS OF TERREBONNE DOMESTIC WATER DISTRICT AND REPEALING ORDINANCE NO. 99-02 FOR TERREBONNE DOMESTIC WATER DISTRICT

WHEREAS, the Terrebonne Domestic Water District is a domestic water supply corporation organized pursuant to the laws of the State of Oregon; and

WHEREAS, the Board of Commissioners of the Terrebonne Domestic Water District having approved the following regulations concerning use of water and Corporation property; and

WHEREAS, in order to safeguard water quality and to protect the health of the people in the community, a uniform ruling and regulation is essential for the operation and extension of sask system:

NOW, THEREFORE, the Board of Commissioners of the Terrebonne Domestic Water District ordains as followsL

SECTION 1- DEFINITIONS

The following terms, when used in this Ordinance or in application or contract for water service, have the following meaning unless specifically indicated otherwise:

Applicant: The party of developer who owns the property to be served by a new water system extension.

Billing Period: An interval of approximately thirty days between consecutive meter reading dates - not necessarily a calendar month.

Board: The Board of Commissioners of the Terrebonne Domestic Water District, or its authorized agents or representatives.

Customer: Any individual, partnership, corporation, firm, governmental agency or legal Entity supplied with water service by the District at one location.

- Customer Fee: The fee required in advance to connect to the new service.
- Customer Line: The pipes, valve and fittings leading from the point of delivery into the premises served.
- Customer Valve: A District-installed shut off valve on the downstream side of the meter, Intended for the use of the customer.
- District: The Terrebonne Domestic Water District.
- Meter: The instrument used for measuring the amount of water delivered to the customer; installed at the point of delivery.
- Person: An individual, corporation, partnership, association, firm, government Entity or other entity.
- Point of Delivery: Unless otherwise designated in the service agreement, the point of delivery shall be the point of attachment of the District's service line to the customer's valve.
- Property Owner: The holder of the record title to real property or the vendee under a land Sale contract., if there is such a contract.
- Service Area: The area within boundaries of the Terrebonne Domestic Water District as depicted on the Terrebonne Domestic Water District's Master Plan, as well as extraterritorial extensions of service approved by the Board.
- Service Line: The pipe, valve and fittings laid from the water main to and including the meter and the meter box.
- Tampering: Any unauthorized use of the District's property or facilities, including but not limited to unauthorized use of the District's meter or shut off valve, destruction of the meter seal, and use of fire hydrants without District approval.

Water Line or Main: The pipe laid in the street or utility easement for the distribution of water to customers. This pipe does not include the service line.

SECTION 2 - AUTHORITY OF THE BOARD

- a. Authority. The Board of Commissioners shall have charge and control of the water system for the District, including all properties , easements and facilities belonging to the District, and may exercise all powers in connection therewith.
- b. Fee Schedule. The Board shall have power and authority to establish a fee schedule, Setting forth all rates, deposits, fees, penalties and other charges for the use and Consumption of water from the District's water system, and to provide for payment of the same. The Board may revise and amend the fee schedule from time to time as necessary, after a hearing in the manner provided by law.
- c. The District's fee schedule shall be established by separate resolution without amending this Ordinance. The fee schedule in effect at the time the Ordinance is adopted shall continue in effect until changed. The Board shall have the authority to discontinue or disconnect any service where such charges are not duly paid within the time provided thereof, or when any of the rules or regulations of the District are disregarded or disobeyed. The Board may also set forth penalties for delinquency in payments as necessary to insure prompt payment of the water billings.
- a. Contracts and Agreements. The Board shall have power and authority to enter into Contracts and agreements.

SECTION 3 - WATER DISTRICT FACILITIES AND SERVICE CONNECTIONS

- a. Terrebonne Domestic Water District shall be the exclusive provider of water services within the District boundaries in accordance with ORS Chapter 264. All new domestic water services within the District shall be required to be provided through the Terrebonne Domestic Water District system unless the District declines to provide such services because such service is not practical or cost effective for the District.

- b. The Board shall have the authority to adopt rules and regulation and approve informational materials consistent with this ordinance.
- c. Ownership. The District shall be sole owner of the facilities in the water system, including buildings, intake and treatment facilities, pumping stations, pressure-reducing stations, reservoirs, air relief assemblies, blow-off assemblies, fire hydrants, water mains, valves fittings, service lines and meters. It shall be unlawful for any person, without authority from the Board; to trespass upon, remove, injure, open, close or in any way tamper with any of the facilities belonging to the District.
- d. Tampering. If a customer tampers with his or her water service, the service may be discontinued at the main, or the meter may be removed. The cost thereof shall be charged to the customer as set forth in the fee schedule, and service shall not be restored until all charges are paid.
- e. Equipment. The District will furnish the saddle and tap, curb stop, meter, meter box, customer's control valve and the pipe necessary to the meter location. The customer will pay for the cost of furnishing the ditch required for the service connection as well as the Customer Line.
- f. Customer Control Valve. The District shall install a suitable valve on the customers side of the meter, the operation of which will control the water supply to the customer's premises. The District's curb stop or control valve is for the District's use only. Except as provided in paragraph (f)(2) of this Section, it shall be unlawful for any person or the agent of any person, other than those authorized by the District, to operate or tamper with any valve or chrb stop, for the purpose of turning water service on or off. The District shall hold the unauthorized person responsible for the cost of repairing any damage to its property caused by such tampering.

Any customer desiring interruption of service in order to conduct plumbing repairs may turn off the water supply at the customer's control valve. By turning off the supply of water at his or her control valve, the customer takes responsibility and accepts all liability for any damages or injuries sustained through failure to properly drain the water from the premises. Premises to which the water supply has been turned off aththe customer valve are still considered active and in service by the District and the Customer will be charged as provided in the fee schedule adopted by the Board.

- g. Hydrants.
 - 1. All fire hydrants use other than use for fire fighting purposes by Deschutes

County Fire Protection District No. 1, shall be by permit only.

2. All use other than fire fighting shall be metered using a meter issued by the District. Customers must apply for a permit for hydrant use at least 24 hours prior to the anticipated hydrant use.
3. All tanker trucks or other water hauling vessels or equipment to be connected to a hydrant shall have a permanent air gap of twice the diameter of the fill pipe above the overflow rim of the tank or receiving vessel. No other type of connection is allowed unless the customer arranges for a District-approved backflow device to be installed and tested.
4. Hydrant use shall occur only at hydrants specified by the District.
5. The meter is to be removed from the hydrant at the end of each work day, the hydrant must be sthu off, and the cap must be replaced.
6. The customer will be responsible for any damage to the fire hydrant(s) and other District property as well as damage to or loss of water.
7. Customer equipment shall be leak free.
8. Penalties for unauthorized use may be levied in the event that water is used without District permission. Penalties for unauthorized use shall be the amounts set forth in a resolution adopted by the Board

SECTION 4 - APPLICATIONS FOR SERVICE

a. General.

1. Except as provided paragraph 2 of this section , applications for water service shall be made in writing by the Property Owner on application forms furnished by the District. No water services will be provided until the application has been made. In the case where the property Owner does not occupy the premises to be served, the occupant of the premises must also sign the application. All applications shall include the signature of the Property Owner, the signature of

the occupant (where applicable), the location of the premises for which service is requested, the address of which bills are to be sent, and any other additional information requested by the District.

2. A Special contract may be required when customers have unusual water services conditions, when the applicant is for temporary service , or when service is provided outside the Districts boundaries.
 3. Application for water services shall be considered as merely a request for service and shall not bind the District to provide water service.
- b. New Service. Upon payment of the connection fee, the District shall install a service form the main to the point of delivery, including curb stop, meter, customer valve and meter box. It shall be the duty of the District to maintain said service line.

The customer at his own expense , shall install the customer service line, including a backflow device if required, from the wise if required, from the delivery, subject to conditions of this Ordinance and all applicable building codes.

- c. Separate Service. A separate service shall be required to each residence. Service to motels, trailer court, apartment homes , or multiple occupancy buildings shall be reviewed on a case-by-case basis.
- d. Extension of Service. It shall be unlawful for anyone to cause or permit the extension of water service from one dwelling unit , building or parcel of land to another without the Boards permission. If such connections or extensions are made without proper applications and permits, such premises may be charged at double the rate for the time they are in use, and service may be disconnected by the District. The cost of disconnection shall be established in the rate schedule adopted by the Board, and service shall be restored to the premises until all outstanding fees and charges have been paid in full.
- e. Service Deposit At the discretion of the Board , the applicant may be required to make a deposit as a guarantee of payment of services In the event service is

is terminated , the deposit will be automatically applied to the customers account. any deposit in excess of the amount owed by the customer at the time service is terminated will be refunded to the customer. The District will not pay interest on any deposit.

SECTION 5 - BILLING POLICIES

- a. Fees. Fees are based on the adopted rate schedule.
- b. *Service Periods. All rate schedules contained herewith are based on one months service. Normally, meters will be read and bills rendered at intervals of one month. A month may be from 27 to 32 consecutive days, and will not necessarily be a calendar month. The District deserves the right to read meters and render bills for longer or shorter periods, in which case the minimum charges and number of cubic feet will be adjusted proportionally.
- c. Meters. Meters on all service connections will be read on or about the 20th day of each month, and customers will be billed on or about the first day of each month for water used during the preceding month. Said bills shall be due and payable on or before the 15th day of each month.
- d. Water use and services charges levied in accordance with this Ordinance shall constitute a debt owed to the District. All bills for water service are due and payable on the date of billing. If a bill is not paid within 15 days of the date of billing, the customer shall be assessed a late fee in an amount adopted by resolution of the Board. If a bill is not paid within 30 days of the date of billing a debt shall be deemed delinquent and may be recovered by civil action in the name of the District against the customer, property owner, or both. Interest at a rate set by resolution of the Board shall accrue on all accounts from the date of delinquency. If the delinquency is not corrected within 30 days of the date of the debt becoming due the payable water service may be discontinued. Unpaid water charges may be made a lien against the premises 60 days after the date of delinquency. Liens for unpaid water charges will be recorded with Deschutes County.
- e. Delinquent Payments/appeals.
 1. Delinquent Payments. If a water bill has not been paid within 30 days of

The due date, or where any other violation of a provision of this Ordinance so warrants, the District may discontinue water service to the affected property. Before discontinuing service the District shall give the property owner, and occupant where applicable, written notice that if the overdue account balance is not paid within five days, water service will be discontinued. The notice will be mailed to the last known address of the property owner (and occupant where applicable, or posted in some conspicuous place on the building, place, or premises to which the supply of water may shut off. Notice will be deemed given upon personal delivery or deposit in the United States Post Office, properly addressed, postage prepaid. If the overdue account balance is not paid by the end of the five-day period, and the decision to discontinue water service is not appealed as provided in paragraph 2 of this subsection, the District may immediately discontinue service without further notice. Service shall remain disconnected until outstanding bills and charges, including any late fees, deposits and reconnection fees, have been paid as provided in the fee schedule adopted by the Board.

2. Appeal. Any customer has the right to appeal the determination to discontinue service. The notice of appeal must be filed in writing at the District office within five days of the date the notice that service will be discontinued is given, and must include the following information.
 - a. The name and address of the appellant.
 - b. The address of the affected premises.
 - c. The nature of the determination being appealed
 - d. The reason the determination is incorrect.
 - e. What the correct determination of the appeal should be.

A customer that fails to file a notice of appeal within the time permitted waives the right to object to discontinuance of water service. If the notice of appeal is timely filed, except in an emergency, service shall not be discontinued until the Board has made a final determination of the appeal.

3. **Appeal Hearing.** The Board shall hold a hearing and render a decision on a timely filed appeal. The Board decision shall be based on the written notice of appeal and any additional information that the Board deems relevant. The appellant will be given at least 10 days written notice of the appeal hearing. At the hearing the appellant may present evidence and oral argument personally or through legal counsel. The rules of evidence used by courts of law do not apply to the appeal hearing. The Board's decision shall be in writing and shall contain findings of fact that substantiate the decision. The Board's decision will be placed in the United States mail addressed to the appellant or personally delivered to the appellant within 10 days of the completion of the appeal hearing. The decision of the Board is final.

f. **Returned Checks.** If the customer pays a water bill by check that is subsequently returned by the banking institution as not payable due to insufficient funds in the account, an additional handling fee will be charged to the customer.

g. **Owner/Occupant.** It shall be the responsibility of the property owner of each premise serviced to pay all costs rates and charges for the water service, installations and water service provided by the District which are not otherwise paid by the occupant of said premises.

SECTION 6 - ACCESS, MAINTENANCE, INTERRUPTIONS, SHORTAGES AND INSPECTIONS

a. **Delivery of Water.** The Terrebonne Domestic Water District will exercise reasonable diligence and care in furnishing and delivering a continuous and sufficient supply of portable water to its customers and to avoid any shortages or interruptions of service. The use of water by the customer shall be at the risk of the customer, and responsibility of the District shall cease at the point of delivery of water.

b. **Interruptions of Service.** The District, whenever it finds it necessary or convenient for the purpose of making repairs or improvements to its system, shall have the right to suspend temporary delivery of water. Repairs and improvements will be completed as rapidly as practicable and, as fast as possible, at such times that will cause the least inconvenience to the customer.

Whenever possible and as time and circumstances permit, all customers affected

by interruptions in service will be notified prior to such interruption.

- c. Water Shortage. In the event a water shortage should occur and it becomes necessary for water to be conserved or water use restriction, the Board, by resolution, may place such restrictions and promulgate such regulations in connection therewith as may be necessary until said water shortage is over.
- d. Water Turn On/Off. When requested by a customer , the District may turn off the water service to a particular premise at the meter using the District's control valve. Any water shut off or subsequent turn on by the District is subject to payment of shut-off and turn-on fees adopted by the Board.
- e. Access. Officers, agents and employees of the District shall at all reasonable times have access to any premises served by the District for the purpose of inspection, repair, or enforcement of any of the provisions of this Ordinance. In in the event that access to the premises is refused the District may apply to any court competent jurisdiction for an administrative warrant authorizing entry onto the premises.
- f. Inspection.
 - 1. Inspection of piping and/or equipment for compliance with codes or regulations other than those of the District is the responsibility of the appropriate governmental body having jurisdiction. Appropriate approvals and permits must be obtained by the customer prior to connection to the District's service lines.
 - 2. The District shall have the right, but shall not be obligated to inspect the customer's piping or equipment before service is supplied and at any as determined by the Board. However, nothing in this provision shall be construed as placing upon the District any responsibility for the condition, or maintenance of the customer's plumbing, piping, water-using devices or other equipment.
- g. The District shall not be liable for any leaks, loss or damage ,to persons or property resulting from defects in the customer's installation or equipment, or the delivery of water thereto. The District's liability for personal or property damage shall not extend beyond the point of delivery to the customer.

SECTION 7 - CUSTOMER'S INSTALLATION

- a. **Equipment Ownership.** The customer shall install, own and maintain all piping, valves, fittings, pressure reducer (if necessary) and equipment beyond the point of delivery.

All meters, piping or other facilities furnished and installed by the District within or on the customer's premises shall be and remain the property of the District, and may be removed by the District upon discontinuance of service. The customer shall provide space for and exercise proper care to protect the District's property on the customer's premises. In the event of loss or damage to the District's property on the customer's premises arising from neglect, carelessness or misuse by the customer, the cost of necessary repairs or replacement will be billed to the customer.

- b. **Control and/or Protective Devices.** The customer shall be required to install suitable protective and/or control devices regulated cross-connection as Specified by the Board.
- c. **Special Equipment.** Customers may install special equipment necessary to meet individual requirements, provided said installation does not adversely affect service to other customers or to other customer's properties. The customer is advised to consider installing a pressure reducer on his or her service line in areas where the water pressure is high.
- d. **Discontinuation of Service.** If the customer desires the discontinuation of service, either on a temporary or permanent basis, notification shall be given to the District so the service will be appropriately discontinued. Unless such notification is given, the applicable minimum usage charge will continue. Upon discontinuation of service, the District shall promptly read the meter and shall render a bill to the customer not later than the next regular billing cycle. Monthly service charges shall be prorated based upon days of use in the month in which the discontinuation of service occurs. Final bills will comprise the prorated monthly service charge plus any overages charges, and any outstanding bills and charges, including any late fees, penalties, deposits and reconnection fees, as provided in the fee schedule adopted by the Board.

SECTION 8 - WATER SYSTEM EXTENSIONS

- a. New Extension. A new extension is defined as a new water system extension to serve property not currently served by the District, or new system extension as a result of an approved subdivision.
- b. Policy. It is the policy of the District to accept for ownership and maintenance, as part of the District's water distribution system, new water extensions located within the boundaries of the District, and approved for acceptance by the District Board. Such new extensions shall be applied for, planned, constructed and paid for in accordance with the procedure and standards set forth in this Ordinance.
- c. Extraterritorial Extensions. No extraterritorial extensions of water service will be granted by the District unless and until the property owner of the premises to be served by the extraterritorial extension has provided the District with a binding agreement to annex the property in the District on forms provided by the District. Extraterritorial extensions shall be applied for, planned, constructed and paid for in accordance with the procedures and standards set forth in this Ordinance.
- d. Applicant's Responsibilities. It shall be the responsibility of the applicant to install and pay for any approved extension before it can be accepted by the District.

Where partial installation of lines and appurtenances is approved, the applicant shall post a bond to cover completion of the extension.

- e. Procedure.
 1. Initial Discussion with the District. When any person contemplates a water line or subdivision of land within the District's boundaries, it is advisable that the person discuss the matter of water service with a member of the District Board or with District staff, and secure a copy of all applicable rules and regulations.
 2. Submission of Plans. Two sets of plans must be submitted for review by the District's board's engineer. The District shall then analyze the plans and materials as submitted and will prepare and furnish a copy of comments along with a mark-up set of plans to the developer. Any

necessary easements must be submitted for examination at that time. If requested, revised plans shall be prepared and submitted to the District.

3. Engineer's Certification. Construction of all water lines and appurtenances shall be done under the supervision of a registered professional engineer. The engineer must certify in writing to the District that all work was inspected under his or her direct supervision, and that all work was completed, sterilized and tested in accordance with the accepted plans and standard specifications.
 4. Construction Inspection by the District. The District shall have the right, but will in no way obligate, to make its own inspection of the work from time to time as construction progresses. Any errors, omissions, discrepancies or work deviations from the plans discovered during these inspections will be reported without delay to the contractor and engineer for immediate correction or compliance. Failure to correct the work to the satisfaction of the Board may be grounds for rejection of the new system.
 5. Security Bond. Prior to the District's acceptance of the new extension of the water system for ownership and maintenance, the developer shall furnish the District a surly bond that is satisfactory to the District. Said surety bond will guarantee all materials and workmanship for the period of at least one year following the date of acceptance of the new extension by the District.
 6. Indemnity. The applicant shall indemnify the save harmless the District and its officers employees and agents from and against all losses and all claims, demands, payments, suits, actions, recoveries and judgments of every nature and description made, brought or recovered against the District by reason of any act or omission of the developer, the developer's agents or employees, in the execution of the water system extension work or in guarding the same.
- f. Connection to the District's Water System. The District shall make all connections to the District's water system, and the applicant will pay the cost

of such connection. It shall be unlawful for anyone to operate any valve, or make any such connection, without authority from the Board.

SECTION 9 - CONDITIONS OF SERVICE

- a. No Warranty. The District does not warrant its present or future water supply, or make any representation as to the water that may now or hereafter is available to its or to customers of the District.
- b. Water Quality and Source. The District shall have the right to change the quality and/or source of its water supply and, in its sole discretion, to treat its water supply with fluorides, chlorine and otherwise, according to the Safe Drinking Water Act, PL 93-523

SECTION 10 - REPEAL

Ordinance No. 99-02, an Ordinance adopting Rules and Regulations of the Terrebonne Domestic Water District is hereby repealed.

**** SECTION 11- PENALTIES**

Violation of this ordinance is punishable by a fine not to exceed \$250 each day during which the violation continues shall constitute a separate and distinct violation of this ordinance.

ADOPTED this 12th day of Marsh, 2013 by action of the Board of Commissioners. Terrebonne Domestic Water District

APPROVED BY:

ATTEST

President, Board of Commissioners

Secretary, Board of Commissioner

