

ORDINANCE NO 89-1

AN ORDINANCE ADOPTING THE RULES AND REGULATIONS FOR THE CONDUCT AND OPERATION OF FAIRVIEW WATER DISTRICT.

THE FAIRVIEW WATER DISTRICT DOES ORDAIN AS FOLLOWS:

This document is a retyped version of Ordinance 89-1 prepared for readability and electronic accessibility. The original adopted ordinance is maintained by Fairview Water District as the official record. In the event of any discrepancy, the original adopted ordinance shall control.

Section 1 – APPLICTION FOR SERVICE

Applications for the use of water must be made on printed forms, signed by the owner or agent of the owner, and Lessee, if use is for tenant, to be furnished by the office of the Fairview Water District, and the applicant must state fully and truly all the purposes for which water may be required and must agree to conform to the rules and regulations of the Fairview Water District concerning use of water as a condition to such use. The application is merely a written request for service and does not in itself bind the Fairview Water District to serve.

Section 2 – CONNECTION OF SERVICE

- (a) The Fairview Water District will furnish, install, own, operate, and maintain a main distribution pipeline or lines from the source of the water supply to serve the District, to be located solely within public right-of-ways or legal easements of the District, and not to be located above an elevation of 150 feet as measured from the District's office. Any customer of the district, upon paying the required fees, may connect to the District's distribution line at such point, designated as delivery point, as the Board of Commissioners of the District may determine. The District shall make the connection at the customer's expense. As close to the delivery point as practical, a meter, with appurtenances, shall be installed, with the District to have convenient and unlimited access thereto for all necessary and convenient purposes. All costs for hooking up to the District's distribution line, meter boxes, meters, service pipeline from point of delivery, including installation, repair, maintenance, and replacement, shall be the sole responsibility of the customer requiring service, except for repair or replacement necessary due to ordinary wear and tear.
- (b) All plumbing and equipment of a customer, including outside hydrants and faucets, shall be connected, at the expense of customer, to the service line in such a manner that all water used by the customer shall pass through the meter.

Section 3 – REFUSAL OF SERVICE

- (a) The Water District may decline to serve any customer until he has fully complied with all the rules and regulations prescribed by these rules or any other regulations of the Fairview Water District regulating the use and distribution of water.

- (b) The Water District may decline to serve or to increase the service to any customer, if, in the opinion of the Water District, adequate facilities are not available to render the service applied for or if the desired service is of a character likely to unfavorably affect service to other customers.
- (c) The Water District may refuse to serve a customer if in its opinion the customer's service line, plumbing or equipment is of such a character that satisfactory service cannot be given.
- (d) The Water District may refuse to reconnect a service under the name of any other member of a family when the head of the household is unchanged and when service had previously been disconnected for non-payment of bills.
- (e) The Water District shall refuse to give service to any customer whose piping system is connected directly or indirectly with a well or any other source of supply other than the distribution mains of the Fairview Water District, unless a backflow device is installed and if such cross-connection is detected on the premises after service has been installed by the district, the District shall discontinue service immediately and without notice to the customer.

Section 4 – DISCONTINUANCE OF SERVICE

- (a) Every customer who is about to vacate any premises supplied with service by the Water District or who for any reason wishes to have such service discontinued shall give two days' notice in writing in advance of specified date of discontinuance of service. Until the Water District shall have such notice, the customer shall be held responsible for all services rendered at such location.
- (b) Service may be discontinued for non-payment of bills or for violation of the rules or regulations after five days' written notice that bills are delinquent or that the violation of rules must cease, provided, however, that where fraudulent use of service is detected or where a dangerous condition is found to exist on the customer's premises, service may be discontinued without advance notice.
- (c) Whenever service is discontinued for non-payment of bills or for violation of the rules and regulations, the Water District shall require the payment in advance of the reconnection charge, as listed in its rate schedule, to cover the cost of reconnection before service is restored, as well as disconnect charges.
- (d) Whenever service is discontinued because of fraudulent use, the Water District may require a satisfactory payment for service rendered (in addition to the reconnection charge) before service is restored.
- (e) The use of water for sprinkling, irrigation, or any such purpose, during the time a fire is in progress within the District, is strictly prohibited and customers are required to shut off all such water service when learning of a fire and refrain from such use of water until the fire has been extinguished. Failure to comply with this regulation will be grounds for discontinuance of service without notice.

Section 5 – METERING AND BILLING [REPEALED BY ORDINANCE NO. 2000-1, January 10, 2000 – replaced with new section 5 language]

- (a) The Water District will supervise all meters necessary to enable the Water District to tender bills for each class of service furnished.
All meters ¾” and smaller and other equipment furnished will be maintained by the Water District and will remain its property. Meters larger than ¾” will be maintained at the customer’s expense.
- (b) By signing the application for service, the customer gives the Water District or its authorized agents permission to enter the customer’s premises at all reasonable times for the purpose of installing, inspecting, repairing and removing any or all of its apparatus and equipment used in connection with the supply and metering of water.
- (c) Meters will be read at the time service is first established and at periodical intervals approximately thirty (30) days apart.
- (d) Bills showing separately the consumption in gallons, and all other charges for service furnished, will be rendered monthly and will become delinquent if not paid within ten (10) days after the date of presentation. No reduction of amounts billed will be made by reason of loss of water due to waste caused by leakage or equipment of the customers unless authorized by the Water District upon written application therefore having been made by the customer.
- (e) Upon a charge for service becoming delinquent, the District may immediately file a lien for such charges, together with the costs of preparing and recording the lien, and costs of attempted in the records of Tillamook County, and such lien shall attach to the real property and may be foreclosed by District according to law. The lien amount shall bear interest at the rate of twelve percent (12%) per annum from date of filing.
- (f) The Water District reserves the right to install such meters or other devices as may be necessary for the detection and prevention of fraud or waste without notice to the customer. Whenever a flat rate service occurs, then the Water District may, upon written notice to the customer, meter such service and bill the customer for water supplied under an applicable schedule.
- (g) Should damage result to metering equipment from, molestation or willful neglect by the customer, the Water District will repair or replace such equipment and bill the customer for the costs incurred.
- (h) The Water District will, upon written request, test any customer’s meter without cost to such customer unless such tests are requested more often than each twelve (12) months. If requests for testing of meters is made by the customer more often than once every twelve (12) months, the Water District may charge the customer for the cost of making such test. When a meter is found to be more than two (2) percent fast, the District will refund to the customer the amount paid for such test, if any, together with the overcharge based on the corrected meter readings for the period in which the meter was in use, not exceeding four (4) months.

- (i) In the event an error is made in billing, such error shall be corrected immediately upon written notice being received by District and the proper refund or credit made to the customer or the corrected amount to be charged to the customer, as the case may be, from the date of receipt of such written notice by District.
- (j) All water furnished to the owner, or tenant, of any building shall be charged for according to such rates as are from time to time established, and shall become a charge to the OWNER of said premises, and a lien upon the real property thereof.

Section 6 – RATE SCHEDULES AND CONTRACTS

- (a) The Rate schedules established by the Fairview Water District and any amendments thereto are based on service to one customer at any point for each class of service except as hereinafter specifically provided.
- (b) For the purpose of making charges, all meters servicing a customer's premises will be considered separately and the reading and the reading will not be combined except that where, for operating convenience or necessity, the Water District elects to install two or more meters instead of one meter at a central location, then the readings of such meters may be combined and billed to one account.
- (c) When two or more detached buildings or residences are served through one meter, a monthly minimum for each building or residence will be charged.
- (d) In the case of multiple dwellings, the rate established by the Water District shall apply with respect to the first unit or dwelling, and an additional charge per month shall be made for each additional unit or dwelling space. For the purpose of this subsection, the term "multiple dwelling" shall mean all residences that have separate facilities for occupancy or more than one family or person, providing such residences do not have individual water meters. This shall include apartment houses, multiple family dwellings, trailer courts, mobile home parks, and motels if minimum kitchen facilities are provided for permanent or semi-permanent occupancy.
- (e) In the case of non-housekeeping or transient quarters, the minimum rates per month established by the Water District rate schedule shall apply with respect to the first bedroom or sleeping quarter, and an additional monthly minimum charge, as listed in the rate schedule, shall be made for each additional bedroom or sleeping quarter. For the purpose of this sub-section, the term "non-housekeeping" or "transient quarters" shall mean all boarding houses, rooming houses, transient hotels, hospitals, rest homes and other non-housekeeping or transient type quarters not included in multiple dwellings.
- (f) In cases where a building is being used both for a dwelling and a business that normally requires water and being served through one meter, the rates as listed in the rate schedule shall be charged for both business and residence.

- (g) The Water District may require a contract for a period of one year or more when the customer's requirements are unusually large or require special or unusual equipment.

Section 7 – RESPONSIBILITY

- (a) The customer must obtain and furnish to the Water District all necessary permits to enable the Water District to supply service.
- (b) The customer shall be responsible for all damage to, or loss of Fairview Water District property located upon his premises, including damage by hot water unless occasioned by circumstances beyond his control or by neglect of the Water District. The use of water upon the premises of the customer is at the risk of the customer and the responsibility of the Water District shall cease at the meter or in flat rate service at the point of connection with the customer's service.
- (c) The customer shall be responsible for the installation and maintenance of piping, plumbing and equipment on the customer's premises, connected or to be connected, to the Fairview Water District distribution system. The Water District shall not be liable for loss or damage of any nature whatsoever caused by any defect in the customer's piping or in the customer's equipment from the delivery point to customer's use. The Water District does not assume the duty of inspecting the customer's line, plumbing, and equipment and shall not be responsible therefore.
- (d) The Water District does not undertake or agree to furnish or supply continuous or uninterrupted service to its customers and shall not be held responsible or liable to any customer for any loss or damage caused or occasioned by or arising from any interruption or delay in service or for any failure to supply water occasioned by or due to accident, breakdown, washouts, or other causes which are unavoidable or beyond the reasonable control of the Water District, or on account of strikes, riots, wars, or civil or military authority, nor in any event shall the Water District be responsible or liable for any consequential damages, unless occasioned or caused by the Fairview Water District's default or willful neglect.

Section 8 – EXTENSIONS

- (a) Extensions to the mains will be made by the Water District only along roads or other satisfactory rights-of way.
- (b) All additions to the mains of the Fairview Water District within its limits shall be made and financed as provided by the Fairview Water District's rules and regulations.

Section 9 – RESALE OF WATER

- (a) Water for resale purposes will be furnished only to incorporated cities and towns, regularly organized water utility districts, and duly organized water utility companies regularly engaged in the business of providing such service. Water will be provided in such cases only when an available supply is established.

Section 10 – FIRE PROTECTION SERVICE

- (a) Standby fire protection service lines from existing mains to the customer’s building along with necessary taps, valves, tell tale meter, any necessary hardware or fitting and labor will be installed and charged to the customer as per the rate schedule. This service must be applied for in writing and a deposit equal to approximately 50% of cost, as estimated by our Superintendent, be left with the application. The balance of actual cost to be paid within 30 days of completion of the installation.
- (b) Standby fire protection service connections in two to ten inches in size will be installed only if adequate provision is made to prevent the use of water from such services for purposes other than fire extinguishing, and adequate approved back flow devices are installed.
- (c) The charges for standby fire protection service shall be on a flat rate basis as established in the rate schedules hereafter adopted by the Fairview Water District.
- (d) If water is used from a fire service in violation of these regulations, an estimate of the amount used will be computed by the Water District and the customer shall pay for the water used at double the regular meter rates including the minimum charge. In addition, further service for this connection shall be through a full flow meter at scheduled rates or the Water District may at its option, disconnect and discontinue the service. The cost and installation costs of this full flow meter must be paid for in advance by the customer.

Section 11 – TEMPORARY SERVICE

- (a) Temporary service is defined as service for circuses, bazaars, fairs, construction work, and similar uses that, because of their nature, will not be used steadily or permanently.
- (b) Charges of water furnished through a temporary service connection shall be at the established rates for other like customers.
- (c) Temporary service connection shall be disconnected and terminated within three months after installation unless an extension of time is granted in writing by the Water District.
- (d) The applicant for temporary service will be required:
 - (1) to pay the Water District in advance, the established costs and fees of installing and removing all facilities necessary to furnish such service;
 - (2) to deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used or to otherwise establish his credit;
 - (3) to deposit with the Water District an amount equal to the value of any equipment loaned by the Water District to such applicant for use in temporary service.

- (e) The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the Water District which are involved in furnishing the temporary service from the time they are installed until they are removed, or until 48 hours' notice in writing has been given to the Water District that the customer is through with the metered installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer.

Section 12 – CONTROL VALVES

- (a) Customer lines shall be so placed that the supply to each house, family, or customer may be controlled by a separate curb stop placed in the curb area. In the event that more than one building is served through one meter, each building shall have its own separate curb stop which will discontinue the water to the building without affecting the other.
- (b) The customer shall install a suitable valve, as close to the meter location or point of delivery by the Water District as practicable, the operation of which will control the water supply to his premises. The Water District's curb stop or control valve is the Water District's property and it shall be unlawful for any person, or agent of any person, other than authorized employees of the Water District for the purpose of turning water on or off, and the Water District shall hold any person responsible for the cost of repairing any damage to the Water District's property caused by such operation or tampering.
- (c) Any customer desiring discontinuance of service shall turn off his water supply at his own control valve and the Water District will not be responsible or liable for any damages or injuries sustained through failure to properly exclude the water from the premises. Discontinuance of service provided in this subsection shall be for emergency purposes only and for any other purposes customer shall comply with the provisions of Section 4(a) of these rules and regulations.

Section 13 – WATER WASTE

- (a) Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the Water District may discontinue the service if such conditions are not corrected after due notice by the Water District.
- (b) Water shall not be furnished except through a meter to any premises where there are defective or leaking pipes, faucets, closets, or other fixtures or when other defects are discovered and not corrected, the Water District may discontinue service after giving due notice and until repairs are made.
- (c) Water must not be allowed to run to waste through any faucet or fixture or kept running any time longer than is actually necessary. Sprinkling of lawns, gardens, and parking strips shall be confined to what is actually needed and no water running to waste on sidewalks, streets and gutters shall be permitted. When such waste is discovered, the water service to the premises may be discontinued.

Section 14 – CHANGE IN LOCATION OF METERS OR SERVICE CONNECTION

If at any time it becomes necessary to move, raise, or lower an existing service connection, meter, or curb stop, the cost of such work will be billed to the customer unless such changes are beyond his control such as changes in grade or width of street.

Section 15 – OWNERSHIP MAINTENANCE

- (a) The service connections and meters, whether located on public or private property, are the property of the Water District and the Water District reserves the right to repair, replace and maintain them, as well as to remove them upon discontinuance of service, with the costs to be paid by customer unless repair or replacement is necessary due to ordinary wear and tear.
- (b) The Water District is not responsible for the installation and maintenance of water lines beyond the end of its service connection. Meters larger than ¾” will be maintained at customer’s expense.

Section 16 – GENERAL REGULATIONS

- (a) The Water District will exercise reasonable diligence and care to furnish and deliver a continuous and sufficient supply of pure water to the customer and to avoid shortages or interruption of delivery of same. The Water District will not be liable for high or low pressure conditions, chemical or bacteriological conditions, interruptions, or shortage or insufficiency of supply or any loss or damage occasioned thereby. The use of water upon the premises of the customer is at the risk of the customer and the responsibility of the Water District shall cease at the point of delivery of water.
- (b) The Water District, whenever it shall find it necessary for the purpose of making repairs or improvements to the system, shall have the right to suspend temporarily, the delivery of water, but in all such cases reasonable notice thereof as circumstances will permit will be given to the customers. The making of such repairs or improvements will be prosecuted as rapidly as possible, and if practicable at such times as will cause the least inconvenience to the customer.
- (c) In case of shortage of supply, the Water District reserves the right to give preference in the matter of furnishing service to customers as in the judgement of its representatives shall be for the best interest of the Fairview Water District from the standpoint of public convenience or necessity.
- (d) All outside Water District services shall be held at all times liable to disconnection in the event of a shortage of water supply within the district. Pressure and other conditions in or out of the Water District services, are to be at the risk of the customer without guarantee by the Water District.
- (e) If a shortage of water shall exist, the Fairview Water District shall have authority at any time, to restrict the use of water. Whenever it becomes necessary for the Fairview Water District to issue an order restricting or prohibiting the use of water for any class of service or customer, the order so issued shall affect all customers served by the system, both inside and outside the district, and

in cases where water purchased for resale by city, town, utility district, or company, said city, town, utility district or company shall be required to enforce said regulation during the life of the restriction or prohibition order, and failure to comply with said order will be reason for discontinuance of service without notice.

Section 17 – DEVELOPERS

Any developer will install any and all water mains, pipes, hydrants for the water system in the development area to Fairview Water District specifications.

Section 18 – TO FAIRVIEW WATER DISTRICT ADEQUATE SOURCE

Any house demolished cannot be rebuilt at a higher class without paying additional hook-up fees. The ownership should contact the Fairview Water District for interim water rates and/or hook-up fees. Any house torn down before June 1, 1972, cannot rebuild without hook-up fees.

Section 19 – PENALTIES FOR VIOLATIONS

In addition to any remedies herein before provided by these rules and regulations, any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$5,000.00 or by imprisonment in the county jail not exceeding 6 months, or by both such fine and imprisonment in the discretion of the Court.

Section 20 – SEVERABILITY

The Sections of this ordinance are severable. The invalidity of a Section shall not affect the validity of the remaining Sections.

Section 21 – REPEAL

That certain ordinance dated November 10, 1980 known as RULES AND REGULATIONS FOR THE CONDUCT AND OPERATION OF THE FAIRVIEW WATER DISTRICT AND ITS SERVICES is repealed...

Adopted by the Board of Commissioners of Fairview Water District this 8th day of May, 1989.

Gene Widmer, Chairman

ATTEST: Harold Weber, Secretary

Amended by ORDINANCE NO. 2000-1, January 10, 2000