
Rules and Regulations

Official Handbook

Amended by Ordinance
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1. Preface

The Sunrise Water Authority (Authority) is a municipal corporation organized under ORS 450, whose primary purpose is to serve water to its domestic, commercial, and irrigation customers and users. Moreover, in connection therewith, the Authority may supply, furnish and sell water over and above the needs of its users to any persons, corporations, or associations, either within or outside the agency's boundaries, or to other communities, water districts, or municipal corporations, as allowed by law.

2. Definitions

The following definition of terms shall generally apply throughout this document:

"Authority" shall mean the Sunrise Water Authority.

"Backflow Device" shall mean assemblies installed to prevent backflow or back-siphonage.

"Board" shall mean the Board of Commissioners of the Sunrise Water Authority, which is the Authority's governing and controlling body.

"Customer" shall mean any person or entity granted a water service account by the Authority.

"Customer Line" shall mean any pipe, fittings or valves, located subsequent to the outlet of the Authority's meter assembly.

"Dwelling" shall mean a structure located on a premise intended for human habitation.

"Fire Service" shall mean a connection to the water system created for the sole purpose of fire suppression.

"Hydrant" shall mean a specific device used to support the operations of approved firefighting personnel and equipment.

"Main" or "Water Main" shall mean the pipe in the street, alley, right-of-way or easement owned and maintained by the Authority for the purpose of distributing or transmission of water to customers and servicing fire hydrants.

"Meter" shall mean a device for measuring the flow of water to or from a particular water service or other water system component.

"Person" shall mean and include any natural person, firm, partnership, association, corporation, or other legally constituted entity.

"Premise" shall mean any building, structure, improvement, or parcel of land, which may now or at some future time, receive water service from the Authority.

"Premise Owner" shall mean the person holding legal title to a premise or their assigned agent.

"Pressure Reducing Valve" shall mean a valve installed for the purpose of maintaining pressure within an acceptable range on the service side of the meter.

"Service Area" shall mean that area included within the corporate limits of the Sunrise Water Authority and such other contiguous or neighboring territory as the Board shall determine to serve, excluding any wholesale customers.

"Service Connection" shall mean the pipe, valve, stops and fittings from a main to and including the meter, meter box, and other devices as installed by the Authority.

"Water System" shall mean all or any structures, improvements or appurtenances owned and operated by the Authority for the purpose of transmission or delivery of water to users, which shall generally include, but is not limited to, piping, reservoirs, pumps and pump stations, and treatment facilities either owned in whole or in part by the Authority.

"Tenant" shall mean a user with a legal right to occupy a premise who is not the premise owner.

"User" shall mean any occupant of a premise that receives water service.

"Vault" shall mean an enclosure used to protect meters, valves or similar devices.

"Water Service" shall mean the authorized delivery of water to a premise.

"Water Service Account" shall mean the Authority record of the user responsible for current charges related to a specific water service connection.

3. Jurisdiction & Ownership

- a. **General:** Organized under Chapter 450 of the Oregon Revised Statutes, Sunrise operates as a regulated, municipal corporation and is subject to all related federal, state, and other such law as may be applicable thereto.
- b. **Ownership of System:** unless specifically exempted by Board action, the water system and its components are owned by the Authority.
- c. **Board of Commissioners:** the Authority is governed under a seven (7) member board, whose members are formally elected from equally (or nearly equally) populated zones.

4. Service

- a. **General:**
 - (i) The Authority shall, so far as reasonable and practicable, and within its financial means, provide adequate source of supply, mains, storage facilities and other improvements to make water service generally available to all areas within the Authority service area. However, the Authority shall not be obligated to furnish and install system facilities for all properties and premises that reside therein.
 - (ii) Application for a new water service connection shall be made in writing and signed by the owner of the premise to be served, or the owner's duly authorized agent, on application forms furnished by the Authority.
 - (iii) No new water service connection shall be rendered until the property is confirmed to be within the Authority's service territory, annexation therein has been approved by the appropriate jurisdiction, or extraterritorial service has been approved by the Board of Commissioners, application is accepted by the Authority, and required payment made.

- (iv) Applications for new water service connections shall not bind the Authority or Board to provide such services.
- (v) Water service connections shall be provided only from Authority mains to premises with legal access that abuts such mains with capacity to provide for appropriate service.
- (vi) Any Legal accessory or secondary structures located on a legal parcel with a water service connection may be served from the existing water service connection, subject to review of conditions and approval of said use by Authority engineering staff.
- (vii) The owner of the legal parcel provided with the water service connection and meter will remain solely responsible for the account, service and use charges, and all related fees associated with the water meter.
- (viii) Connections in which a single water service connection is utilized to provide water service to dwellings or premises located on multiple legal parcels shall not be permitted.
- (ix) Applications for water service connections for permitted non-residential premises are not subject to the foregoing rules, but are subject to review and approval by Authority engineering staff prior to water service connection.
- (x) Water service may be interrupted from time to time for maintenance, replacement, or repair of the system, severe weather conditions, circumstances beyond the control of the Authority, or acts of god, and for the protection of public health, safety and

welfare, as deemed appropriate by the Authority.

(xi) The Board or their designee, may also on occasion, deem it necessary to restrict or prohibit water use in order to protect the Authority's source(s) of supply. In such an event, a schedule would be established outlining the uses prohibited or limited and the period or periods of prohibited or restricted use.

(xii) By requesting and receiving water service from the Authority, every applicant, customer or user does thereby grant and give to the Authority, its duly authorized agents and employees, the right to enter upon the premises served at all reasonable times for the purpose of service, inspections, or repair of system components, the reading of meters, and inspection for compliance with these Rules and Regulations or other Ordinances approved by the Board.

b. Temporary Service:

(i) Circumstances occur where temporary water service connection is appropriate and permissible. Board policy defining permitted conditions, and application and approval processes will be adopted by resolution and may be amended from time to time. A grant of temporary service shall impart no special privilege or provide any vested right to water service within the Authority to the premise receiving the service.

(ii) Temporary service shall not, under any circumstance, alleviate said premise owner and/or occupant from being required to pay associated charges incurred for main extensions or permanent service connection or facilities for permanent service to the premise granted such temporary service connection.

(iii) The Authority may authorize the use of a fire hydrant for a temporary water supply. Such use will be compliant with Authority procedures and standards and subject to rates, charges and fees adopted by the Board for such service.

(iv) Temporary use will be compliant with all applicable cross connection and backflow prevention ordinances.

c. Extraterritorial Service and Annexations:

(i) Service to persons and property outside the boundaries of the Authority shall be at the discretion of the Board. Water provision to outside users can only be made if the Authority has sufficient surplus water above its requirements within the Authority. Any such service, if provided, may be discontinued at any time, if the interests and needs of the Authority so require.

(ii) Any such service installation shall be required to meet and abide by all rules and regulations of the Authority with respect to installation, maintenance, operation and service.

(iii) Annexations to the Authority will be submitted as prescribed by provisions of Oregon Revised Statute, Chapter 198 and the processes established by the Clackamas County Board of Commissioners.

(iv) Premises receiving an extraterritorial service connection will be converted to a permanent service connection immediately upon annexation to the Authority's service territory.

(v) Application for water service connections for properties within the boundaries of the City of Happy Valley's 2004 blanket annexation ballot measure or within close proximity to the City of

Happy Valley boundaries and not within any other municipality's boundaries will be required to, respectively, apply for annexation to the city of Happy Valley or submit an irrevocable application for annexation as a condition for provision of a water service connection.

d. Fire Protection:

- (i) Customers may elect to connect private (standby) fire service systems to the agency's regular service mains. Fire service connections will be metered and include appropriate cross-connection (backflow) prevention. All such standby fire service connections shall be subject to approval by the agency's Engineer.
- (ii) A System development charge (SDC) will not be levied on dedicated standby fire service connections, unless there is evidence of systematic use through such a connection, in which case an SDC will be charged based on the size of the "equivalent fire service line" connection at the main, along with the appropriate cost of any water consumed. In addition, a periodic service charge will be levied on all dedicated fire service connections based on a rate of 20% of the regular service charge for a similarly sized "equivalent fire service line" connection at the main.

If a fire service line is also used to provide separate (or combined) domestic service, an SDC and regular periodic service charge will be levied for that domestic service based on the separate (or combined) line size used to provide domestic service.

- (iii) All property owners (or customers) requesting standby fire service connection shall indemnify and hold harmless the agency from all property loss or claims of personal injury for any reason or act that occurs on the

customer's side of the associated meter in association with the operation and maintenance of such systems.

e. Termination:

- (i) A water service account may temporarily or permanently terminate service by giving 24 hour advance notice of the date of termination. Such customer shall, upon receipt of a final bill, pay all charges for services rendered to the date of termination. The service charge for a partial billing period shall be prorated upon actual days of use.
- (ii) Where water service has been discontinued at the request of a customer and the full charge paid, such service may be restored at the request of the customer, subject to terms and conditions that may be established by the Board and any amendments that may be approved.
- (iii) The Authority, in complying with an owner's or customer's request to discontinue water service, shall under no circumstances, be responsible to said owner, customer, or any other party for any damages resulting from such action, including civil damages.
- (iv) Complete termination of water service with removal of the water meter may be initiated by customer request in conformance with policy approved by resolution of the Board.

f. Responsibility for Damages:

- (i) The Authority from time to time must interrupt service for system repairs, maintenance of facilities, repairing mains, and other activities deemed necessary by the Authority. The Authority shall not be responsible for any damages caused by such interruptions of service or resulting fluctuations in pressure.

- (ii) Whenever feasible to do so, the Authority shall give customers advance notice that service is to be interrupted for any appreciable length of time. However, failure to give such notice shall in no manner cause the Authority to become liable for loss or damage caused by service interruptions, which might include but is not limited to, bursting of boilers, the breakage of any pipes or fixtures, stoppage or interruption of water supply, or any other damage resulting from the shutting off of water.
- (iii) The Authority shall not be liable for damages to persons or property or otherwise responsible due to interruptions or discontinuance of water service, reduction of water supply, quality of water delivered to premise, or variations in water pressures unless it can be shown that the Authority has been grossly negligent in its duty to maintain the system in repair and an operative condition.
- (iv) The customer will be liable for any damage to the Authority's system which is caused by an act of the customer, or their tenants, agents, employees, contractors, licensees, or permittees. Damage to the Authority's system includes but is not limited to breakage of seals and locks, tampering with meters or meter boxes, damage to meters or meter boxes, damage to curb stops, meter stops or other service appurtenances. The customer responsible for the damage or tampering may also be fined and/or have service terminated.

5. Operations

a. **General:**

- (i) The water system shall be operated only by personnel authorized by the Authority. The Authority shall maintain

the water system, while preserving its operative condition at all times, as is practical and reasonable.

- (ii) Operation, modification, or alterations of the Authority's system by customers or their tenants, agents, employees, contractors, licensees, or permittees is prohibited. Violators shall be responsible for any damage to the system due to unauthorized operation, modification, or alterations of the Authority's system (including tampering fees as may apply).
- (iii) No person shall connect to any main or service of the system or interfere with the operation of any of the facilities whatsoever, or turn on or off any meter or service or operate any valves or fire hydrants. Notwithstanding, members of the local Fire Service Providers shall be permitted to connect and use fire hydrants for the express purpose of fighting fires, or testing in accordance within such procedures as the Authority shall establish.
- (iv) A service connection shall be made in accordance with specifications relating to size, material and location, as set forth by the Authority. Service lines shall be not less than three-quarter inch and all meters, together with meter box, shut-off valve, pressure reducing valves, double check valve assemblies, and such fittings and connections as may be required must be approved by the Authority.
- (v) The service pipe from the main to the meter as well as the meter, meter box, and appurtenances shall be the property of the Authority and not the person owning the premises or paying for the installation.

- (vi) Customer service lines shall be installed in accordance with applicable building and plumbing codes and any applicable specialty codes.
- (vii) No person other than an employee of the Authority shall turn on or off any of the services or meters of the Authority without permission and instruction by Authority personnel. Customers desiring either discontinuance or restoration of service, or a new or modified service, shall make arrangements at the Authority's office.
- (viii) The customer is responsible for ensuring safe and efficient access to the meter and shut-off valve at all times. By making application for water service connection or a water service account or by using water service supplied by the Authority, every applicant, customer or user does thereby grant and give to the Authority, its duly authorized agents and employees, the right to remove obstructions necessary to access the meter box.
- (ix) When, in the judgment of Authority personnel, unusual conditions exist which may require greater attention, extra fittings, larger service line or meter sizes, 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 Authority shall require the applicant to pay the cost of such additional fittings, meter vaults or other safeguards. The Authority costs, including applicable overhead, will be charged to the applicant and be in addition to the usual meter and service installation charges.
- (x) No pumping equipment shall be connected to a customer service line

without written approval from the Authority.

b. Cross Connections:

- (i) No other water supply shall be connected to the customer line without express permission of the Authority and installation of backflow prevention devices specified by Sunrise personnel.
- (ii) Water Service Connections will be protected as required by Ordinance 2011-1 and amendments thereto. Provision of water service to a premise may be suspended by the Authority if backflow prevention assemblies or cross connection control mechanisms required under Ordinance 2011-1 and amendments thereto are not installed, maintained or tested, or if it is found that required backflow prevention assemblies or cross connection control mechanisms have been removed or by-passed, or if an unprotected cross connection is found to exist. Service may not be restored until any such condition is remedied.
- (iii) The Authority has the right to inspect any and all premises at all reasonable times to determine if cross connections exist and premises are in compliance with Ordinance 2011-1 or amendments thereto.
- (iv) The customer will be responsible for any fees or charges incurred in enforcement of Ordinance 2011-1 or amendments thereto. In the event of an emergency affecting public health and safety, the Authority may immediately discontinue water service until remedy of the emergency is affected.

c. Fire Hydrants:

- (i) No person except those authorized by the Authority may operate, or attempt

to operate, any fire hydrant connected to the Authority water system.

- (ii) Only the Authority may change or relocate a fire hydrant. If a user or premise owner requests hydrant change or relocation and the Authority approves said request, the requesting party will pay all costs associated for such change.
- (iii) Privately owned fire hydrants are to be used only for fire emergencies or other uses specifically authorized by the Authority.
- (iv) Premise owners shall be responsible for assuring that immediate access to fire hydrants from the street is not impeded or hindered. Vegetation or landscaping shall be pruned or removed within a three foot radius of the hydrant. An elevation of 18 inches between the ground and the center of the lowest port will be maintained. No change in hydrant color is permitted.

6. Billing and Payment

a. General:

- (i) All charges for water services furnished shall be due and payable on the date of billing and become delinquent on the twentieth day following the date of billing. Water services to premises and/or customers provided by the Authority may be discontinued when a billing delinquency exists.
- (ii) All payments shall be made to the Authority either by mail, at the office, by means of electronic funds transfers or via such other places or methods as the Board may designate.
- (iii) In the event prompt payment of water charges are not made by a customer, the Authority may shut off the water. Water service terminated or disconnected for lack of payment of charges due the Authority will generally not be restored

until all past due water charges are paid, plus such other charges as the Board shall determine proper, and as set forth in the Authority's "rate and service schedules" or after terms and conditions of payment acceptable to the Authority have been arranged. This requirement shall not be avoided by change in user, customer, or owner of said building or premise.

- (iv) The failure of the Authority to discontinue water service for any reason, including non-payment for water charges due, unless so notified, shall not relieve the customer from the obligation and duty to pay all of said charges, whether said customer does or does not have knowledge of any delinquencies for water uses or charges.
- (v) Outstanding charges owed to the Authority may be transferred to a customer's new account within the Authority. The Authority may collect unpaid charges incurred by a customer at previous service locations within the Authority as part of the customer's current water bill. These unpaid charges are subject to current collection terms set forth by the Authority.
- (vi) At the time a written application is made for a water service connection, the applicant shall pay an amount sufficient to cover the estimated cost of the installation in accordance with schedules established by the Authority. After such installation is made, the facilities shall be the property of the Authority, and overage collected as part of the estimated cost of installation, if any, shall be refunded to the customer or owner of the premises served.
- (vii) Charges made for the installation of water service connections shall be paid in full and in advance of installation by

the Authority, unless special payment provisions have been approved by the Board to alleviate an imminent threat to health or safety

rendered shall likewise be set forth in the Authority's current rate and charge schedule and may be amended to meet the needs of the Authority and current economic conditions.

b. Rates and Charges:

- (i) The Authority shall adopt and maintain appropriate rate and charge schedules, including service charges, for water furnished and services rendered by the Authority. These schedules shall be reviewed and amended by the Authority as required. Rates charged may be fixed and classified according to the type of use and according to the amount of water used. In the event a particular service is not specified, a rate will be established upon request by the Authority Board.
- (ii) Current rate and charge schedules of the Authority will be maintained on file by the Authority at its general office at all times and will be available for viewing by the public.
- (iii) Rate and charge schedules for furnishing water, for services, installation of meters, service piping, main extensions and the like, may be revised, as determined by the Board. Rate and charge schedules of the Authority shall be modified, revised, added to or deleted by the Board by appropriate resolution adopted by a majority of the entire Board.
- (iv) Any increase proposed in the existing rates charged water customers by the Authority shall be made only following a public hearing before the Board on such proposals upon due notice being given to each user in the manner provided by law.
- (v) Charges for the installation of service pipe and meters from main to property line, various materials furnished by the Authority and such other services as

- (vi) In determining appropriate service and installation schedules, the Authority shall consider and include therein appropriate charge for Authority overhead.
- (vii) In addition to current rate and charge schedules, the Authority Board may, by appropriate resolution or ordinance, adopt appropriate connection, system development, and general surcharges as the needs of the Authority may require after due public hearing. All such charges and schedules of the Authority in effect as of the date of the adoption of these revised Rules and Regulations shall remain in full force and effect until further amended or revised by the Authority.

c. Deposits: The Authority may at its discretion require an advance cash deposit for water service if the credit history of the applicant with the Authority has been unsatisfactory, or for other reasonable cause. Advance deposits for water service so collected shall be applied to final bills, and any excess refunded.

d. Metering:

- (i) Meters shall be read at regularly established intervals as determined by the Authority, and bills rendered based upon consumption to the nearest 100 cubic feet (a unit) of water furnished.
- (ii) The Authority's meters will operate within American Water Works Association Standard C700 for cold water displacement type meters. Normal maintenance and repair of meters shall be carried on by the Authority at its expense.

- (iii) For the purpose of making charges, all meters shall be billed separately and readings will not be combined, unless a customer has multiple meters at the same premise, in which case a combined bill may be generated.
- (iv) Separate meters shall be provided for each legal parcel as determined by Authority engineering staff.
- (v) If it is determined by the Authority that a water meter has failed to register accurately, is broken or if the Authority is unable to read a meter, billing will be calculated as follows:
 - a. When the customer has been at the same premises for 12 months or more, consumption will be estimated based on the water consumption for the same time period from the preceding year.
 - b. When the customer has been at the same premises for less than 12 months, consumption will be estimated based on the average water consumption through an equivalent meter for the same time period.
 - c. A true-up will be included in the next customer bill for which an accurate meter reading is obtained.
 - d. A customer rendered such "estimated" bill may appeal to the Board if they have objections. The Board shall consider the same and reach decision with respect to appeal; the Board's decision shall be final.

e. Rental Property Accounts:

- (i) Water service accounts for residential properties will only be established in the name of the premise owner of record or their designated representative, unless otherwise directed by the Board of

Commissioners. By accepting water service the premise owner shall be deemed to have voluntarily incurred charge for a utility service in order to provide habitable conditions for the owner and any tenant.

- (ii) It is the premise owner's responsibility to inform the Authority if a property will be utilized as a rental. Duplicate bills and any other account notices will be provided to the owner and service address when a premise has been identified as a rental.
- (iii) When a service account is current and in good standing, the premise owner may not request shut off of water to a service address while a tenant is occupying the premise. The premise owner shall fully indemnify Sunrise from any liability associated with owners actions to shut off water to an occupied rental property in violation of ORS 90.320 or any other applicable law.
- (iv) Where a tenancy relationship exists between the premise owner and tenant occupying the premise, the premise owner retains responsibility for any charges due in relation to the premise and may be subject to collections for any outstanding charges.
- (v) Where water service has been terminated to a premise that is subject to a tenancy, services shall not be restored until all past due water charges are paid, plus such other charges as the Board shall determine proper, and as set forth in the Authority's "rate and service schedules."

7. Main Extensions

- (i) The Authority may extend the water system by the addition of potable or non-potable water main extensions when, in the opinion of the Authority,

the public convenience and welfare is best served by such construction. At its sole discretion and where it appears equitable that the cost of such construction be apportioned, the Authority may apportion all or any part of the cost of construction of such main extensions among such persons as may at any subsequent time apply for a service connection reliant on said extension. The charge will be an amount determined by the Authority.

- (ii) All water system extensions shall be constructed by the Authority or by a reputable contractor that meets qualifications defined by the Authority. Contractors shall anticipate and allow for inspection by the Authority. All connections for service will be made in a manner compliant with Authority standards. All construction materials used shall be purchased or approved by the Authority and be of first quality and be consistent and fully compatible with the existing water system of the Authority so as to permit the Authority to apply uniform maintenance, repair and replacement. Prior to final acceptance, the project must be demonstrated to operate and perform as intended.
- (iii) Main extensions and other facilities to furnish water to specific areas and premises, shall normally be at the expense of those persons requesting such services.
- (iv) The Authority shall not pay the cost of main extensions to provide service specifically for additional customers, properties, tracts, or subdivisions. Such extensions shall be paid for by the person or persons requesting such extensions. The Authority shall determine the size and type of mains

required. Fittings, valves, valve boxes and fire hydrants required shall be included in the cost of extensions.

- (v) The Authority shall pay for the cost of providing supply, pumping, storage and transmission which the Authority determines necessary for the general conveyance of water within the Authority. In those cases where pumping, storage or other facilities are needed to serve a limited, local area, they shall be paid for by the person or persons requesting such extensions.
- (vi) No service connection will be made by the Authority until the applicant has paid in advance to the Authority the apportioned share charge for the construction of the extension, standard service connections charges, and the appropriate system development charge.
- (vii) Applicants requesting water main extensions shall pay in advance of construction the estimated costs of plan review, administrative expenses, and other applicable fees and charges related to the proposed project. If the Authority is to construct main extensions on behalf of the applicant, estimated construction costs shall also be paid in advance of construction. If the actual cost of the Authority work or construction exceeds the cost estimate, the applicant shall pay the excess cost to the Authority within 30 days after billing by the Authority. If excess cost is not remitted to Sunrise within the 30 day time frame, water service will not be permitted from the extension until such time as the excess is paid in full. If the actual cost of the Authority work is less than the estimated cost, the Authority shall refund the difference to the

applicant within 30 days after determination of actual cost.

- (viii) Unless otherwise specifically exempted by the Authority, all water main extensions will extend the entire distance of road frontage of the property to be served and shall be located within the public right-of-way whenever possible. Water main extensions for new subdivisions shall extend the entire distance between opposite boundaries of the subdivision. If necessary, the Authority may authorize location of a water main extension within an easement.
- (ix) All projects shall be reviewed and approved in writing by Authority engineering staff.
- (x) Parties other than the Authority may extend water mains consistent with the Authority Rules and Regulations. Parties paying for construction of main extensions shall select an engineer or contractor who meets Authority requirements and qualifications. All parties shall adhere to Authority procedures and standards for design and construction.
- (xi) All extensions constructed by parties other than the Authority will be submitted by the engineering staff to the Board for acceptance by motion. After acceptance by the Authority, the extension shall become the sole property of the Authority and maintained and operated by Authority personnel exclusively. If the extension is constructed by a party other than the Authority, said party and their contractor shall be responsible for a warranty period of one year after acceptance for failures or materials and workmanship. A maintenance bond for

25% of the total project cost shall be supplied to the Authority by the party responsible for construction of the extension.

- (xii) The size and type of the main(s) required by the Authority 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 Authority water distribution system. The Authority may elect to install a main larger than that required for the needs of the applicant at the time the extension is made. In such cases, the Authority will be responsible for the incremental cost increase. Design and construction of the improvement or extension may be completed by the Authority, the Authority's contractor, or a contractor approved by the Authority.
- (xiii) Per ORS 264.320, any party other than the Authority constructing extensions at their own expense, such that access to water service is provided for properties other than their own without further improvements or extensions, may obtain partial reimbursement of the cost of the extension subject to the following:
 - a. The extension must have been constructed to Authority standards and have been accepted by the Board. The term of eligibility for reimbursement will be ten years from the date of acceptance by the Board.
 - b. Authority personnel will determine which, if any, extensions are eligible for reimbursement, costs eligible for reimbursement, identification of those properties that would be required to pay the reimbursement fee, and compute the amount of reimbursement due for each potential lot that could connect to

the extension. The party responsible for the extension of the main will be notified of the determination made by the Authority.

- c. As identified properties connect to the main extension, all applicable fees and charges of the Authority and the reimbursement amount will be collected by the Authority. The Authority will remit the reimbursement amount collected no later than June 30 of each year of any amounts collected since the previous July 1st.

8. Violations and Compliance

- (i) By virtue of application for, and receipt of, a water service connection or water service account, the customer agrees to be bound by the Rules and Regulations for Water Service in effect at the time of installation of the service connection or establishment of a water service account, and as may be adopted or modified thereafter by the Board.
- (ii) Violations of restrictions or prohibitions of water use established by the Board will be considered a violation of the Rules and Regulations of service and violators may be subject to suspension or termination of water service.
- (iii) If water is used from a fire service line in violation of these Rules and Regulations, an estimate of the amount of water used will be computed by the Authority. The customer shall pay for the estimated water consumed at the regular rates, including the service charge associated with the size of the meter for the connection. Upon the second unauthorized use of water, a System Development Charge at the currently approved rate for the installed meter

size will be assessed by the Authority for the service.

- (iv) The Authority, in discontinuance of water service for delinquencies, shall under no circumstances, be responsible to said owner or customer or any other party for any damages resulting from such action, including personal or property damage.
- (v) Failure to comply with the Rules and Regulations for Water Service, or failure by the customer to remedy any non-compliance within the period set forth in the body of the notice of non-compliance, which shall be no shorter than five days, may result in termination of water service or the Authority may take corrective action. If the non-compliance presents an immediate health or safety hazard, the Authority may take corrective action without notice.
- (vi) If a violation of these Rules and Regulations exists and the Authority takes action to remedy the violation then the user or customer in violation shall be responsible for all costs incurred. Violation of these Rules and Regulations may also be punishable by a civil penalty of up to \$500 per day for each day of violation. In addition to said fine, the Authority may obtain injunctive or equitable relief to abate the violation, including termination of water service as a violation of these Rules and Regulations.
- (vii) In the event a water service has been turned off due to non-payment, a meter tampering fee will be assessed against the associated account if water service is restored by any party other than Authority staff.

- (viii) Unauthorized operation of meters or valves within the Authority may result in the levy of a fine.

9. Miscellaneous

- (i) For the purpose of these Rules and Regulations, notice shall be sufficient if given by any one of the following:
 - a. Regular first class U.S. mail, postage prepaid, sent to the customer or premise owner address as shown in the Authority's water service account for the affected premise; or,
 - b. Certified mail, return receipt requested, sent to the customer or premise owner address as shown in the Authority's water service account for the affected premise; or,
 - c. By hand delivery of a notice to the affected premise and posting in a conspicuous location.
 - d. When notice is sent by mail, notice shall be deemed delivered when deposited in the mail. When notice is delivered by hand, notice shall be deemed complete when delivered to the affected premise.
 - e. Resale of water purchased from the Authority by a customer may be permitted only by special contract with the Authority, and shall be in writing, specifying any conditions.
- (ii) Authority will not sell, disseminate, or share personally identifiable information except as required by law. However, the Authority shall use said information in internal operations at its discretion. Failure to supply such information when requested shall be deemed sufficient cause to deny the

application or request for water service account.

- (iii) Whenever the applicant's requirements for water service are unusual, large, or subject to great fluctuation or variation, the Authority may require a special contract. The Authority, in addition, may require reasonable security sufficient to protect the Authority against loss and to guarantee performance under the terms of any contract. All special contracts shall be in writing, signed by the customer and the Board or its representative.
- (iv) The Authority shall not be liable for any damage or injury whatsoever related to leaking or running of water on the premises from the premise owners pipe or plumbing lines, plumbing fixtures, open faucets, valves, fixtures and hoses beyond the Authority's service meter.
- (v) All leakage occurring beyond the outlet of the water meter shall be at the expense of the customer. The customer shall be responsible for the proper maintenance and repair of lines, stop and waste valves, gate valves, and plumbing fixtures within their own premises. A customer may apply for a leak adjustment for water consumption as a result of leakage as specified by policy adopted by Board resolution.
- (vi) The Authority will provide remedy for damages resulting from leakage of the Authority water system.
- (vii) All complaints and special requests for service and all other matters upon which action by the Authority is requested or sought, shall be presented to the Authority in writing. The Authority need not give consideration to any request or complaint not so presented.

(viii) If any clause, sentence, paragraph, section, or portion of these Rules and Regulations for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of these Rules and Regulations.

documenting the reasons to grant or deny the variance. Five affirmative votes will be required for approval of a variance by the Board.

10. Revision of the Rules

- (i) All rules, regulations, rates and charges are subject to change or modification by the Board.

- (ii) The Board may, and in its sole discretion, make such modifications, revisions and additions to the Rules and Regulations of the Authority as may be deemed necessary and in the interests of the Authority. Such modifications, revisions or deletions to the Authority Rules and Regulations shall be made only after public hearing upon due notice given and upon approval of a majority of the entire Board of Directors of the Authority.

- (iii) The Board may also grant variances from these Rules and Regulations on a case by case basis. The variance request must be stated in writing and (1) describe which provisions of the Rules and Regulations are the subject of the request and why the variance is necessary; and, (2) demonstrate that the granting of the variance will provide operational or water system benefits or efficiencies to the Authority; and demonstrate that the requested variance is in the best interests of the Authority and is financially beneficial (or does not create a financial detriment) to the Authority and its ratepayers. Staff will review the request and make a recommendation to the Board of Commissioners. The Commissioners shall review and adopt findings