

ORDINANCE 11/12-2 **41-00644**
REVISION OF THE
BURLINGTON WATER DISTRICT
RULES AND REGULATIONS
Multnomah County, Oregon

A General Ordinance Adopting the Rules and Regulations for the
Burlington Water district and Appealing
All Existing Rules and Regulations

Section 1. DEFINITIONS

- a. District shall mean the Burlington Water District.
- b. Board shall mean the Board of Commissioners of the Burlington Water District.
- c. Owner or Person shall mean and include any natural person, firm, co-partnership, association or corporation.
- d. User or customer shall mean any person or entity provided water service after due application.
- e. System shall mean all or any part of the water system owned and operated by the District and shall include all service lines to an including all meters.
- f. Service Line or Service Connection shall mean the pipe, valves, stops, and fitting from a main to an including the meter and meter box.
- g. Customer Line shall mean the pipe, valves, and fittings leading from the water meter into the premises served.
- h. Main or Water Main shall mean any pipe located in street, alley or right of way, which pipe is owed or maintained by the District for the purpose of distributing water to customers and servicing fire hydrants.
- i. Service Area Shall be that area including within the corporate limits of the Burlington Water District and such other contiguous or neighboring territory as the Board from time to time shall determine to serve.

Burlington Water District
Ordinance 11/12-2

Section 2. OWNERSHIP

- a. Ownership of the entire system, including all mains, laterals, service connections, meters, meter boxes, reservoirs, pumping stations, fire hydrants, all facilities and appurtenances, is vested in the District, unless otherwise recorded in writing by the District.
- b. No person other than an employee of the district shall be permitted to install, move or change any service connection or water meter. In addition, no person shall be permitted to operate any valve, fire hydrant, or other property of the District without the prior written authorization of the District.
 - i. Exception: Members of a municipal fire department shall be permitted to use fire hydrants for the purpose of combating fires and uses consistent therewith, or testing and flushing of such hydrants.
- c. No person shall tamper with, or in any manner interfere with, service connections, water meters, valves, fire hydrants, or any other property of the District.

Section 3. APPLICATIONS FOR SERVICE

- a. No service shall be supplied or water furnished to any premises except upon the written application of the owner, or the owner's agent as authorized in writing by the owner. Such owner shall be responsible for all rates and changes for service to said premises, whether supplied to the owner or renter or occupant thereof, and for the compliance of any occupant with all rules of the district.
- b. By making application for water services, or by using water service supplied by the District, every applicant does thereby give and grant to the District, its agents and employees, the right, at all reasonable times, to enter upon the premises for purposes of inspection for compliance with these Rules and Regulations.
- c. The District will make an attempt to contact the occupant before entering the premises.

Section 4. USE OF WATER

- a. Water shall be furnished for ordinary domestic, business, community and fire protection purposes only.

- b. Resale of water purchased from the District may be permitted only under special contract, and said contract must be approved by the Board.
- c. In the event the Board shall determine that conditions exist which require the restriction or prohibition of use of water in order to protect the health, peace, safety and welfare of the patrons and customers of the District, the Board shall establish a schedule of use restrictions and prohibitions, which schedule shall include the proper means of notice of such restrictions and prohibitions and the sanctions for violations of same.
- d. Extensions to furnish water to areas within the District not presently obtaining water from the system shall be made by the District at the sole expense of those persons requesting service. If, in the sole discretion of the District, a service extension to a person requesting service necessitates other system modifications or improvements, those modifications or improvements shall be made by the District at the sole expense of the person requesting service.

Section 5. SERVICE CONNECTIONS

- a. Water service shall be provided only from pipes and mains owned by the District to property or premises abutting such mains, and the service connections shall be located at such points as the District shall determine.
- b. Unless authorized by the District in writing, a service connection shall provide water to only one residential structure.
- c. When a standard service connection is requested by the user to be removed or relocated, such removal or relocation shall be at the expense of the user.
- d. The standard service connection shall be 3/4", and meters shall be first-quality 5/8" x 3/4" meters, together with such fitting and connections determined by the District to be necessary. Service connections larger than standard may be permitted only upon written application to and approval by the District. The District reserves the right to deny larger-than-standard service connections and to require installation of a service connection which it determines to be adequate for the reasonable needs of the applicant.
- e. The District shall maintain all standard service connections in good order and shall make all necessary repairs and replacements of the meter and other parts thereof, without expense to the user; provided, however, that each user is required to take all due precautions to protect the connection from damage by freezing, hot water, traffic or tampering, and any damage arising through lack of such precaution shall be charged to the user. Repairs and replacements to service connections other than standard shall be charged to the user.

Section 6. EXTENSION AND SERVICE CONNECTION COSTS

Extensions and new service connections shall be made by the District at the sole cost and expense of the person requesting service. If, in the discretion of the District, an extension or new connection necessitates other modifications or improvements to the system, those modifications or improvements shall be made by the District at the sole cost and expense of the person requesting service. All costs for extensions and new service connections shall be paid before the work is commenced.

Sections 7. SEPARATE CONNECTION

- a. A separate connection shall be required for each dwelling, place of business, institution, and premises served, except that water service to an apartment, motel, trailer park, or marina shall be though a single connection unless the Board directs otherwise. All accessory buildings and premises used as part of such dwelling place, business or institution, may be served from such connection, as well as all buildings on such premises operated under on management.
- b. No user, without the express written permission of the Board, shall furnish water to any family, business, institution or premises other than its own family, business, institution, or premises. However, the Board may permit a user to supply others through his service connection and, in this event; such user will be charged an additional monthly minimum for each additional user so supplied. Such permit may be revoked, and separate service connections required, at any time at the sole discretion of the Board.

Section 8. PRIVATE SERVICE LINES

- a. The user, at his cost, shall construct any private service line from the water meter location selected by the District to the premises to be served.
- b. The user shall obtain from the District prior written approval of the location of such private service connection before installation.
- c. Private service lines shall be installed in accordance with the Plumbing Code and Applicable Specialty Codes of the State of Oregon.
- d. No pump equipment shall be installed to the private service line without prior written approval from the District.

Section 9. LEAKAGE WITHIN PREMISES

- a. All leakage occurring from the user's line beyond the meter installation shall be at the expense of the user. The user shall be responsible for the proper maintenance and repair of such line.
- b. Customers shall take reasonable steps to conserve water and shall not waste water. The user shall be responsible for all water lost through leakage, frozen pipes or other causes.
- c. Leaks in the user's lines shall be repaired as soon as detected, and the District may allow for a water usage adjustment as stated in the District's Water Rates and Other Fees ordinance.
- d. The District shall not be liable for any damage or injury whatsoever for leakage or running of water on the premises from pipe lines, plumbing fixtures, open faucets, valves, fixtures, devices, appurtenances and hoses beyond meters set at property lines.

Section 10. TURNING ON AND OFF OF WATER SERVICES AND METERS

- a. Unless expressly authorized by the District, no person other than an employee or representative of the District shall turn on or off any service or meter.
- b. Customers desiring new service, restoration of service or discontinuance of service shall make arrangements for such services with the District.

Section 11. BACK FLOW DEVICES OR PHYSICAL CONNECTIONS WITH OTHER WATER SUPPLIES OR SYSTEMS

Pursuant to chapter 333-061-0070 of the Oregon Administrative Rules, it is the responsibility of the Burlington Water District to protect our drinking water by instituting a Cross Connection Control Program.

Definitions:

1. Water provider: Burlington Water District
2. Water system: All piping, reservoirs, sources, fire hydrants, and apparatus for the distribution and delivery of water.
3. Backflow: A reverse in the normal direction of water flow that causes or could cause a non potable substance to enter the water system.
4. Cross Connection: Any connection or potential connection between the water system and a non potable substance.
5. Auxiliary Water Source: Wells (working or not), water tanks, pools, hot tubs, streams, creeks lakes or ponds.

6. Water User: Any person or persons, business, association or government agency, supplying water from the Burlington Water District in accordance with established rates and charges.

Cross Connection Control Requirements:

In accordance with state law and Oregon Health Service regulations, any connection or potential connection to a water system is prohibited. Should Burlington Water District have reason to believe that a Cross Connection exists on a water user's premises, Burlington Water district shall deny or discontinue service until the proper Backflow Device is installed according to the District standards and meets all State and local codes.

Additional Cross Connection Control Requirements:

- a. If the nature and extent of any activity on the premises, or the material used in connection with any activity on the premises, or materials stored on the premises could contaminate or pollute the water system or supply in any way.
- b. A premises having any Cross Connection as that term is defined under definitions.
- c. Internal Cross Connections that are not correctible or intricate plumbing configurations that make it impractical to ascertain whether or not a Cross Connection exists.
- d. A repeat history of a Cross Connection being established or reestablished.
- e. Unduly restricted entry with sufficient notice for inspection for Cross Connection to insure Cross Connections do not exist.
- f. Material of toxic or hazardous nature being used in such a way that if a back siphon should occur, a health hazard could result.
- g. Any mobile equipment that uses water from the Burlington Water District or water on any premises within the Burlington Water District.
- h. Failure to fill out and return a Cross Connection report form.
- i. All properties with auxiliary water sources as the term is defined under definitions.
- j. All properties not occupied by the owner of the property shall install an appropriate back flow device at the meter or an appropriate location approved by the Burlington Water District.

Location, Method and Backflow Device Type:

The Burlington Water District may specify location and method to control Cross Connections. Specifications may vary depending on the situation and be in accordance with the University of Southern California manual of Cross Connection Control current edition and meet all State and local codes.

Cost:

Upon notification from the Burlington Water District the water user or property owner shall at his or her cost install and test the appropriate backflow device in accordance with this Ordinance. Further annual testing of premise isolation devices will be done by contract by the Burlington Water District and the cost will be paid by the owner or water user.

Burlington Water District
Ordinance 11/12-2

Testing and Repair:

All back flow device tests will be done by a State Certified Backflow Device Tester. In the event a device fails the performance test, the device must be immediately repaired by an appropriate repair person at the owners cost and retested and the results sent to the Burlington Water District office.

Section 12. PLUMBING

- a. All plumbing within buildings served by the District shall be installed, and all plumbing fixtures shall be constructed, so as to prevent pollution of the water supply by back siphon age or Back Flow Devices.
- b. Water services to any premises known or found to have defects or hazards shall be disconnected and not restored until such defects or hazards have been eliminated.
- c. Authorized District personnel may inspect pipes and plumbing at reasonable times and with reasonable notice.

Section 13. MAINTENANCE AND REPLACEMENT OF SERVICE LINES

- a. The District shall maintain and repair service lines and facilities between mains and meters at its expense except where the Board requires a customer to maintain and repair service lines and facilities upstream of a meter.
- b. Customers shall be responsible for the maintenance and repair of service lines and facilities between meters and premises or from such other location as the Board may identify. Maintenance shall be acceptable to the District Engineers or the District superintendent.
- c. Users shall pay to the District the full cost resulting from any damage the Board determines the user causes to service lines, meter installations, or other parts of the system.

Section 14. CONTRACTS

- a. When a written application for water service is received by the District, the written application shall be considered a contract. Within such contract, the applicant agrees (1) to abide by all rules and regulations in effect at the time the application is signed, or as may be adopted or modified thereafter by the Board: and (2) to pay all District-imposed costs, fees, and bills promptly.
- b. Whenever the applicant's water service requirements are subject to fluctuation in demand, the District may require a special contract for an extended period of time. The District may also require reasonable security

which is satisfactory to the District and sufficient to protect the District against loss and to guarantee performance under the terms of the contract.

- c. Except as otherwise provided by these Rules and Regulations, the District may refuse to supply water to any place or premises where the user fails, after written notice, to comply with the Rules and Regulations of the District within the time specified in the written notice.

Section 15. RATES AND CHARGES

The District has on file, by ordinance, a schedule of water rates and other fee charges. Water shall be sold on a metered basis in accordance with the Water Rate Schedule.

Section 16. METER READING AND BILLING

- a. Meters shall be read monthly, as determined by the Board.
- b. Bill shall be based upon multiples of 100 cubic feet, and based upon the Water Rate Schedule.
- c. For the purposes of determining charges, all meters serving a user's premises shall be billed separately, and readings shall not be combined unless such meters are installed in a battery at one location and in accordance with the requirements of the District.
- d. In the event that it shall be impossible or impractical to read a meter on the regular reading date, the customer shall be charged a fee consisting of an average of that customer's prior twelve (12) bills. When the meter is read thereafter, the customer's account will be adjusted to reflect the actual amount of water used.

Section 17. PAYMENT FOR SERVICE

- a. All bills for water service are due not later than 15 days after the billing date, and such bills shall be delinquent if not paid within 30 days after the billing date.
- b. The District may turn off water supply to any premises for which payment is delinquent, and the service shall not be restored until all delinquent bills, together with such other charges related to delinquent bills as may be determined by the Board, are paid.
- c. All payments shall be made to the District either by mail or at established pay stations.

Burlington Water District
Ordinance 11/12-2

- d. At the time a prospective customer applies for service, the customer may pay a deposit, in such an amount, as the Board may determine to be appropriate.

Section 18. MAINTENANCE, REPAIR AND TESTING OF METERS

- a. A customer may request that his meter be tested by making application to the District and depositing in advance a sum sufficient to cover the cost of the test.
- b. If the test shows that the water meter registers more than 5% over the actual water volume flow, the meter shall be repaired, the deposit for the test returned to the user, and an adjustment made of the charges paid for the water service. Charge adjustments shall be retroactive for a period not to exceed one year.
- c. If the test shows that the meter registers less than the actual flow, the deposit for the test shall be retained by the District. The District may charge a user for water service furnished through a meter which registers incorrectly or does not register.
- d. A customer may request that his meter be re-read if he feels that his bill is in error.

Section 19. SERVICE INTERRUPTION

- a. The District shall make a reasonable attempt to contact customer before initiating a service interruption.
- b. The District may temporarily cut off the water supply in order to make necessary repairs, connections, etc., to the system.
- c. The District shall not be liable for any damage or inconvenience suffered by the customer or for any claim against it at any time for the interruption in service, lessening of supply, inadequate pressure, and poor quality of water or for causes reasonably beyond the District's control.

Section 20. METER MAIN EXTENSIONS

- a. The District shall provide facilities for general distribution of water within the District, but it shall not extend, at District expenses, facilities to service additional customers, properties, tracts or subdivisions. Such extension,

Burlington Water District
Ordinance 11/12-2

when requested, shall be paid for by the customer requesting the extension, at actual total cost to the District Total cost shall include, but shall not be limited to, direct and indirect expenses for materials, labor, equipment rental, planning, engineering, inspection of construction, and a reasonable percentage for overhead and supervision.

- b. Application for main extension shall be in writing and shall be accompanied by four (4) copies of a map, drawn to scale, showing the properties which are to be served by the proposed extension. A plan review fee will be charged to the applicant by the District. (See water rate fees and other fees ordinance, page 3 item #13 for cost.)
- c. All main extensions shall be made by the District or by a contractor expressly approved by the District.
- d. All materials used in main extensions shall be purchased or approved by the District, shall be of first quality, and shall become a part of the permanent system of the District.
- e. In the event of a new development, the plan or grid for water mains must be approved by the District prior to installation.
- f. Size of main extensions shall be to District specifications and subject to District approval. In general, mains shall be required to be not be less than (6) inches in diameter and shall be laid out to interconnect with existing and future District water lines, thereby gridding the system.
- g. Water lines larger than six (6) inches in diameter shall be required when subdivisions are determined by the District to be sufficient size or configuration to warrant larger lines.
- h. Required fittings, valves, valve boxes, and fire hydrants shall be included in the cost of extensions. Extensions shall be made in the street to full frontage of property served, unless otherwise authorized by the District.
- i. Advance payment for extension shall be made by the customer requesting such extension, in accordance with the following procedure:
 1. District personnel may prepare an estimate of cost, including engineering, supervision, inspection of construction and a reasonable percentage for District overhead, a copy of which estimate shall be provided to the applicant.

Burlington Water District
Ordinance 11/12-2

2. Full payment of the estimated cost shall be deposited with the District by the applicant. The District will not proceed with the work until such payment is received.
 3. Work shall be completed and the costs of installation tabulated, after which any excess monies deposited shall be refunded to the applicant. Any costs exceeding the estimate shall be paid for by the applicant. Payment for main extension may be reimbursed under the provisions of Oregon Revised Statutes (ORS'264.320)
- j. The District may, at its sole discretion, elect to install a larger main than that necessary to service the applicant's property. In such case, the District shall bear the additional cost of installation.

Section 21. TEMPORARY SERVICE

- a. For temporary water service, the user shall make written application to the District.
- b. The District shall inform the customer of the cost for temporary service, such cost to include labor, construction costs, meter, materials and fire hydrant rental. The customer shall pay in advance for the installation and retrieval costs of the temporary system.
- c. The customer shall pay for water usage in accordance with the published Water Rate Schedule.
- d. Upon termination and dismantlement of the temporary service and return of all materials to the District, the customer shall be reimbursed for those materials.

Section 22. TERMINATION AND RESTORATION

- a. Termination at Request of User. When a customer notifies the District that he wishes service discontinued, the District shall read the meter and promptly render a bill. The bill shall be payable at once.
- b. Termination of Service by the District. The District shall terminate water service upon the occurrence of any of the following:
 1. Nonpayment of Charges. The District shall terminate water service upon delinquency of payment of charges for water service furnished to the premises, or for other unpaid debts due the District.

2. Violation of Rules and Regulations. The District may terminate water services to premises where such premises or the user are in violation of any portion of these Rules and Regulations.
- c. The District may charge the user for discontinuance of water service and an additional charge for restoration of water service if the discontinuance is for any of the reasons set forth in Paragraph 22 (b) (1)-(2) above. Such charges shall be established in the Water Rate Schedule. However, no such charges shall be made when discontinuation of water service is at the request of the District.

Section 23. STANDBY FIRE PROTECTION SERVICE CONNECTIONS

- a. Subject to the requirements of law, standby fire protection service connections of 4" size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Closed fire sprinkler systems with water-operated alarms shall be considered to have such provisions.
- b. A suitable detector-check meter shall be installed in the standby fire protection service connections to which hose lines or hydrants are connected.
- c. All piping on the customer's premises shall be installed in accordance with the applicable plumbing codes.
- d. Charges for standby fire protection service will be stated in the District's published Water Rate Schedule. The customer shall pay the full cost of the standby fire protection service connection, any required detector-check meters, and any required special water meter or other device installed solely for the service to the standby connection.
- e. Any water taken through a fire protection line for purposes other than fire protection shall be charged at the rate established for the size of the meter installed, regardless of the amount of water used. Such user shall pay to the District a monthly standby charge for such fire main in the amount established by the District.
- f. Customers requesting standby service connections for fire protection shall be required by the Board to pay an equitable portion of the cost of mains needed to supply the required flow. The Board may enter into special contracts for service of this type and shall in each case establish charges sufficient to cover the cost of the service rendered.
- g. The service connection, all equipment, appurtenances to connection, and the meter shall be the sole property of the District.

- h. The District is without authority to furnish fire protection service, and it undertakes to furnish only domestic water service. Therefore, the District agrees to furnish only such quantity of water at such pressures as are available in its general distribution system, and shall not be responsible for loss or damage claimed to be due to lack of adequate water supply or water pressure.

Section 24. INSTALLATION AND USE OF FIRE HYDRANTS

- a. Additional fire hydrants may be installed by the District upon application by the customer and upon payment of the estimated cost of the hydrants, fittings, installation, and overhead as determined by the District.
 - 1. When the actual cost of installation is determined and it is more than the original estimate, the applicant shall pay the difference to the District.
 - 2. When the actual cost of installation is determined and it is less than the original estimate, the District shall refund the difference to the applicant.
- b. No unauthorized person shall open; attempt to draw water from, or in any way tamper with any fire hydrant.
- c. Any person who desires to use a fire hydrant for temporary water supply must obtain the express written permission of the District. The user shall be charged a fee for hook-up service plus the applicable user rate as established in the Water Rate Schedule of the District.
- d. If a user desires to change the size, type or location of an existing hydrant, he shall pay all costs of such change. No such change shall be made without express written permission of the District.

Section 25. PRIVATE POOL AND TANK

In the event water is desired for filling a swimming pool, tank or other use which requires abnormally large quantities of water, arrangements must be made with the District prior to taking such water.

Section 26. SERVICE OUTSIDE THE DISTRICT

Water service to premises located outside the District boundaries shall be at the discretion of the Board, and in no case shall such service be provided if doing so would impair service to those residing within the District.

Section 27. RATES AND CHARGES

All rates and charges for service, installation of meters, service piping, main extensions and any other type of service shall be established by resolution of the Board.

Section 28. CONSTITUTIONALITY, SAVING CLAUSE

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.

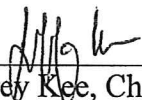
Section 29. REPEALER

All district Rules, regulations, and bylaws enacted prior to this Ordinance are repealed.

The Rules and Regulation adjusted by this Ordinance shall be in force after June 30, 2012, and any and all Rules and Regulation Ordinances now in effect conflicting in any manner with the provisions of this Ordinance, are hereby repealed on and after June 30, 2012.

THE FIRST reading of Ordinance 11/12-2 by the District was on April 18th 2012.

SECOND READING of Ordinance 11/12-2 and ADOPTED by the Board of Directors of Burlington Water District this day 16th of May 2012.



Jeffrey Kee, Chairman



Ed Perkins, Secretary