

NEAH KAH NIE WATER DISTRICT

ORDINANCE NO. 2026-1

AN ORDINANCE ESTABLISHING WATER SERVICE REGULATIONS, FEES, AND LEAKAGE CONTROLS; REPEALING ORDINANCE 2024-1

THE NEAH-KAH-NIE WATER DISTRICT (“DISTRICT”) ORDAINS AS FOLLOWS:

SECTION 1. General Provisions

- A.** This ordinance shall constitute the Water Service Regulations of the District and shall be known and pleaded as the “Water System Regulations Ordinance No.2026-1.” This ordinance repeals and replaces Ordinance 2024-1 in whole. Ordinance No.2024-1, repealed by this ordinance, shall remain in force to authorize actions by the District to enforce violations of Ordinance No. 2024-1 prior to the effective date of this ordinance. The repeal does not affect a violation or penalty incurred before the repeal took effect, nor a suit, prosecution or proceeding pending at the time of the repeal for a violation committed under the repealed code section or ordinance.
- B.** The Board of Commissioners shall have all general powers as provided for domestic water supply districts in ORS Chapter 198 and ORS Chapter 264.
- C.** Subject to all ordinances, rules, and regulations of the District (including this ordinance), ORS Chapter 264, and all other applicable rules, laws, statutes, and regulations, the District shall supply water to all residential structures now existing within its territories, and to all residential structures hereafter legally constructed pursuant to a valid county building permit. The water supplied by the District shall be used exclusively for domestic purposes.
- D.** Subject to the ordinances, rules and regulations of the District and ORS Chapter 264, the District may in its sole discretion and on such terms and conditions as it determines appropriate supply surplus water over and above the needs of its full and part-time residents to any persons, corporations, associations, or other legal entities, either within or without the District, including to other communities, water districts or municipal corporations.
- E.** The District may adopt and promulgate regulations concerning the use of water and the property of the District. The District may refuse to supply any building, place, or premises with water where the Customer or User fails, after five (5) days’ written notice, to comply with the regulations of the District. Written notice shall be by first class mail to Customer and User or shall be posted in some conspicuous place on the Customer or User’s building, place, or premises pursuant to ORS 264.306.
- F.** Protection of the District’s pristine water source(s) and preservation of water quality and quantity is of paramount concern to the District. The provisions in this Section F shall therefore be interpreted or construed as broadly as possible.

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1. Application for Water Service; Generally. In no event shall the District provide water service or issue a Water Availability Letter to any applicant for water service if the District determines that the delivery of water to the applicant could reasonably result in development, use, or activity that would pose a reasonable risk of adversely affecting or degrading in any manner, at any time, or to any extent whatsoever the quantity or pristine quality of the District's available water or its water source(s), or the Applicant's use of the property could otherwise pose a public health hazard to the District's water quality or quantity of its water sources. The District has the discretion to condition water service or the issuance of a Water Availability Letter on any requirements that the District determines are necessary to fully protect and preserve the District's water quantity or pristine water quality. The District may refuse to provide a Water Availability Letter or refuse to continue to provide water service to any Applicant or current Customer if the District determines that the Customer or User has engaged or will engage in development, or has taken or will take any other action, or engages in reckless or negligent behavior which threatens the quantity or pristine quality of the District's water sources.

2. Studies and Reports Required. Prior to issuing a Water Availability Letter or approving the extension of water service, the District in its sole discretion may require the Applicant to submit any of the following to demonstrate to the District's satisfaction the Applicant's compliance with this ordinance and all other District regulations, resolutions, and ordinances, including but not limited to Section 1(F)(1) above:

- a.) sanitation system report by a licensed engineer,
- b.) hydrogeology reports by a licensed hydrogeologist, which report shall include but is not limited to such analysis as detailed analytical results of fate and transport mechanisms, and flow pathways
- c.) storm water management plan by a licensed engineer,
- d.) wastewater treatment specifications, design drawings and drawings certified by a licensed engineer,
- e.) geological hazard report(s),
- f.) geotechnical report(s),
- g.) percolation tests and bore holes,
- h.) and any other reports, documents, or proof reasonably required by the District.

The burden of proof is on the Applicant to demonstrate compliance with this ordinance, as well as any applicable rules or regulations of the District.

3. Review of Water Availability Letter Application. In no event shall the District be required to review an application for Water Availability Letter or for water service based on an incomplete application, as defined in this subsection. A complete application is defined as an application that has been filed with the Tillamook County Department of Community Development and has been certified by the Tillamook County Department of Community Development as complete, save and except for the issuance of a Water

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Availability Letter by the District. Any Water Availability Letter shall lapse and be null and void six (6) months after the date on which the Water Availability Letter was issued.

4. Potential Threat to Water Quality or Quantity or Public Health. In no event shall the District be obligated to provide water service to any property the development or use of which the District reasonably believes threatens or will threaten the quality or quantity of the District's water or water source(s) in any way, minor or substantial, at any time in the future.

5. Determination of Complete Application for Water Availability Letter. The District shall notify the Applicant when it determines that the Applicant's application is complete. The District shall thereafter have thirty (30) calendar days from submission of a complete application, as determined by the District, to request additional studies or documentation, as per Section 1.F(2) herein. After the Applicant has submitted these additional studies as requested by the District, the District shall provide a determination of the completeness of the application for Water Availability Letter and additional studies requested and the District shall have another 30 thirty calendar days to review the complete application and additional studies requested.

6. Additional Studies to be Conducted by District: Costs. In the event that the District decides that additional studies are required, the District shall notify the Applicant accordingly. The District may, but is not required to, develop estimates and contract with consultants for such additional studies. The Applicant shall be responsible for all costs associated with the additional studies. The District may require payment of such costs by the Applicant before further processing of the application.

- G. The Board of Commissioners may, by resolution, adopt or revise various fees from time to time and shall maintain a schedule of fees for public inspection at its office.
- H. Any new Dwelling Unit within the Water District service boundary shall be required to connect to the District water system, subject to approval by the District.

SECTION 2. Definitions

As used in this document, the following terms have the meanings given:

- A. "Account" means the record the District maintains for a specific approved water service connection submitted by the Owner of the property in the application for water service and approved by the District including any change in ownership of the property receiving water service.
- B. "Abandoned Account" means a Delinquent Account that is unpaid for more than five months past the Due Date.
- C. "Applicant" means any person or entity that owns the property to be served by the District and applies to the District for water service. An Applicant becomes a District Customer upon establishing a Water District Account.
- D. "Board" or "Board of Commissioners" means the governing board of the District.
- E. "Customer" means the Owner named on the Account for water service in the records maintained by the District.

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- F.** "Customer Line" means the pipe, valves, stops, fittings, and all other appurtenances beginning at the outlet of the Meter into the premises served.
- G.** "Delinquent Account" means an Account whose bill is not paid in full by the Due Date.
- H.** "Due Date" is the date set forth on the Customer's water bill provided by the District.
- I.** "Distribution Equipment" means pumps, valves, controls, power or other facilities and equipment used in distributing or treating water.
- J.** "Distribution Water Main" or "Main" means the pipe, typically minimum two inches in diameter, laid in a street or other established right-of-way or easement, to distribute water to Customers.
- K.** "District" means the Neah-Kah-Nie Water District which is a domestic water supply district formed under ORS Chapter 264.
- L.** "District Service Line" means the pipe, valves, stops and fittings laid from District's Main line to the Meter.
- M.** "Extension" means a water line connecting the existing Main to one or more Customers which is of a diameter greater than a standard District Service Line or exceeds 50 feet from the Main to the Meter.
- N.** "Owner" means the holder of recorded title to real property or vendee under land sales contract, if there is such a contract located within the District pursuant to ORS 264.010(6).
- O.** "Meter" is the device installed and owned by the District that measures water provided to the Customer and includes Meter box and/or vault, valves, tailpiece, bypass, yoke, and other appurtenances to which the Customer Line is connected.
- P.** "Standard service" means an industry-standard 5/8" x 3/4" residential water Meter.
- Q.** "User" shall mean any occupant of the premises receiving water service from the District.
- R.** "Water Availability Letter" shall mean a letter to Tillamook County stating the conditional availability of water service that is issued by the District in response to an approved Water Availability Letter application.
- S.** For the purposes of this Ordinance, the terms "Dwelling Unit", "Duplex", "Triplex", "Quadplex", "Townhouse", and "Cottage Cluster" shall have the meanings as set forth in Article 11 (Definitions) of the Tillamook County Land Use Ordinance (TCLUO), as amended on September 3, 2025, and as may be subsequently amended.

Each individual unit in a Duplex, Triplex, Quadplex, or Cottage Cluster is considered a separate "Dwelling Unit" for service connection, system development charge and billing purposes. A Dwelling Unit shall include Accessory Dwelling Units but shall not include Yurts, RVs, or temporary structure unless determined otherwise by the Board of Commissioners

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In any dispute regarding what constitutes a Dwelling Unit for District purposes, the Board of Commissioners will make the final decision.

SECTION 3. Application for Service

- A.** Application for water service must be made and signed by the Owner or the Owner's legal representative on forms provided by the District.
- B.** The Applicant shall have the burden of demonstrating eligibility for water service, that they are the legal Owner of record of the property and that their property is within District boundaries, and that their requested water use is in compliance with the rules and regulations of the District. Applicant must provide all information requested by the District in order for a water service application to be accepted by the District.
- C.** The District may require a deposit of not less than an amount equal to an estimated four (4) months' water service bill. A refund of the water service deposit shall occur when a Customer shows a satisfactory credit performance for one year. A refund of the deposit shall occur upon the Customer requesting discontinuance of service, provided that all outstanding bills are paid in full. The deposit may be applied to the final bill. If an Account is shut off for non-payment, the deposit shall be held as security until the outstanding balance is paid. The deposit will only be applied to the outstanding balance when the Account is closed, and no further water service is required by the Customer. Any deposit amount remaining after outstanding bills are paid off will be refunded to the Customer.
- D.** No connection to the District's water systems shall be permitted with respect to any property connected to a private well, cistern, spring or surface water source or other water source that is not controlled and monitored by the District. -If, after connecting to the District's facilities, any property becomes connected to another water source as described in the preceding sentence, the District may immediately disconnect or otherwise cease all water service to such property and may not permit reconnection unless the Owner of such property provides evidence sufficient in the sole discretion of the District's Board that such other water source does not present any risk of pollution, dilution or other negative impact on the District's water systems or water rights. The District reserves the right to issue by ordinance or resolution any regulations permitted under Oregon law with respect to private wells, cisterns or surface water used under a water right to protect and preserve the District's water systems and the quality and quantity of the District's water rights. Any such unauthorized connection shall be a violation of the District's ordinances and regulations.

SECTION 4. Connection Fee and Service Installation

- A.** Each Dwelling Unit shall require a separate service connection and pay the system development charge.
- B.** At the time of application for a connection, the Applicant shall be required to pay the

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current System Development Charge and a service connection fee. These fees cannot be paid prior to the submission of an application for a connection. Water connection may be considered by the District for approval only when the Applicant provides the District with a complete water service application signed by the Owner, a valid building permit or, if the lot is vacant, final subdivision plat, and full payment. Applicant shall be subject to and comply with all terms and conditions set forth in the Water Service Application form of the District as may be amended by the Board.

C. Unless specified by plumbing code or fire district requirements, the District will install a standard service. Larger services required by code or the fire district will be charged the System Development Charge that is in effect when the application is submitted.

D. The service connection fee includes District-supplied materials for making a typical connection from the Main to the Meter (including for example the service saddle, service line, valves, fittings, Meter, and meter box), supervision and inspection of the installation and permit from Tillamook County. The District shall determine where on the Customer's property the Meter will be installed but will consider Customer's request for location and will endeavor to make the service lines from the Main to the Meter as short as reasonable feasible. All costs of equipment and labor for excavation of the service line trench, saw cutting the street paving, water main tap, installation of District-supplied materials, backfill, pavement replacement, non-typical connection materials and any other installation costs required that exceeds the service connection fee shall be paid by Customer. District at its discretion will install the connection from the Main to the Meter or have the Customer do so according to District's specifications and requirements. All such installations must be inspected and approved by District's representative. No water service will be provided until such inspection and approval has occurred. Once the service line installation has been accepted by the District, the District will be responsible for future maintenance of the service line between the Main and the Meter. Customer is responsible for installation and maintenance of a service line from the Meter to the Dwelling Unit which shall be constructed in accordance with all applicable building, plumbing and sanitation codes of the State of Oregon. Customer will also be responsible for maintaining the meter box's visibility and accessibility to District representatives.

E. Connection Fees for the District shall be established by resolution of the Board.

F. No connection to the District's piped system shall be permitted for a Customer that is also still connected to a private well or cistern or other water source not controlled and monitored by the District. It shall also be a violation of District regulations to make any such connection to a private well, or cistern after connection to the District's piped system.

G. Customer shall comply with all cross-connection control requirements of the District.

H. The Board may at its discretion and through resolution adopt a residential water fixture inventory requirement for new Dwelling Units or significant remodels of existing Dwelling Units. Such an inventory may include a fixture worksheet that could determine the size of the water connection needed as well as base rate charges.

SECTION 5. Service Charges

A. The fees and charges in connection with the District water system shall be established by resolution in accordance with ORS 264.310 and ORS 264.312 (as amended).

B. Charges for water use may include a fixed base rate, a system enhancement fee

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(described in Section 6 below), capital improvement charges, loan repayment charges, metered water usage, and any other charges as periodically reviewed and updated by the District. The charges shall be based on the cost of operation, maintenance, and amortization of the system. The billing period shall be at least quarterly and shall be set by resolution. The Customer shall be responsible for all charges for water service. Any proposed increase in the existing rates shall take effect only after a public hearing has been held, and after notice has been given to each consumer by the District in each water bill or by special mailing within 30 days prior to the date of hearing pursuant to ORS 264.312.

SECTION 6. System Enhancement Fee

A System Enhancement Fee may be charged and included in each bill as a rate surcharge to provide partial funding for the District's capital improvements and other costs deemed necessary by the Board. The System Enhancement Fee will be established by resolution of the Board.

SECTION 7. Payment of Fees

- A.** All bills become delinquent if not paid by the established Due Date. A notice of overdue bill may be sent by the District approximately 15 days after the Due Date and the late fee set forth in the District's Schedule of Fees will apply.
- B.** After 30 days of non-payment from the Due Date, a flat fee as set in the District's Schedule of Fees will apply and will be assessed for each of the following 30 days it remains in arrears.
- C.** A notice of delinquency will be mailed by Certified Mail, Return Receipt Requested, to the last known address of the Customer approximately 60 days after the Due Date advising the Customer to pay all past due charges and fees owed in full within 30 days. Approximately 90 days after a bill becomes delinquent, a "Notice of Intent to Disconnect Water Service" shall be sent to the Customer by Certified Mail, Return Receipt Requested advising the Customer to pay all charges and fees within 15 days or water service will be disconnected. The Notice of Intent will indicate a shut-off date and a Reconnect Fee per the District's Schedule of Fees.
- D.** All bills shall be the responsibility of the Customer.
- E.** Returned checks will subject the check issuer to an additional charge per the District's Schedule of Fees.
- F.** An Account that has bills that are unpaid for more than five (5) months past the Due Date shall be classified as an Abandoned Account and no water service will be provided. Such Account cannot be reinstated until all delinquent charges, fees and a Reconnect Fee are paid in full to reestablish service.
- G.** Notwithstanding Paragraphs C and F of this Section, in the event the Board determines that the Customer is making a good faith effort to pay any outstanding bills, the District may continue to provide water service for such time as the Board determines is appropriate .

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SECTION 8. Extensions

- A. The District shall extend its water distribution Mains and any other required distribution equipment and service lines to an approved new Customer upon receipt of the connection fee and payment to the District in advance of the total estimated cost of any such extension. In no event shall the District be obligated to extend its water facilities for an Applicant not approved for water service by the Board. Upon these facilities going into service, the District will provide Customer with a reconciliation to actual cost within 30 days of initiation of service. Customer shall make any payment owed District within 30 days of receipt of a statement showing any amount owed and the District will refund any payment made by the Customer which exceeded actual cost incurred by the District. Main and service extensions to a Meter shall become the sole property of the District.
1. If two or more properties are involved, the District shall follow the procedure for reimbursement by the other Owners in ORS 264.320.
 2. Before an extension is authorized by the District, the Owner shall submit to the district such plans and specifications as required by the District for District approval. Such plans and specifications shall be prepared by an engineer duly authorized and licensed by the State of Oregon. Any plans for the extension of water Mains shall conform to the District's Water Master Plan.
 3. Completed plans must be reviewed and approved by the Oregon Health Authority before any construction may begin. The cost of this review will be the responsibility of the Owner.
 4. Extensions of water Mains shall be made only along dedicated County roads or other easements or rights-of-way satisfactory to the Board.
 5. No extension of a water Main shall be authorized until the Owner files with the District, the County building permit for the project or development and otherwise complies with this Ordinance and rules and regulations of the District.

SECTION 9. Leakage

- A. Customer shall keep all pipes and fixtures of the Customer Lines in repair at their own expense and shall be liable for any leakage and all damages which may result from their failure to maintain any portion of the Customer Lines. Any water leak in any portion of the Customer Lines or plumbing on the Customer property including the Customer Lines is the responsibility of the Customer to locate and repair. When leaks are detected by the District, the Customer shall be notified, and, if the necessary repairs are not made within the time period stated in said notice, the water may be shut off and not turned on again until the repairs are made. However, in the event the District determines the leak is causing unacceptable water loss, the District will shut off the Customer's water service until the Customer shows proof the leak has been repaired.
1. To request a billing adjustment to an Account for water losses resulting from leaks in the Customer Line or plumbing, the Customer shall:

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- a. Repair leaks within 30 days of the date the leak(s) are discovered or reasonably should have been discovered or within the time period set forth in any notice to repair provided by the District
 - b. File a request for billing adjustment form within 90 days of the date of the leak repair describing the cause of the water loss, the repair(s) made to the Customer Line or plumbing and the dates the repairs were made and receipts for payment of repairs.
2. If it is determined by the Business Office Manager that a water loss for a Customer Account has occurred by reason of a leak(s) in the Customer Line or plumbing, and the Customer has complied with the procedures set forth in the preceding sections, then an adjustment may be approved by the Business Office Manager in accordance with the following criteria:
- a. No adjustment will be made until the leak has been repaired. At the District's discretion, a District employee may inspect the repair.
 - b. The leak adjustment may be applied to the overage above the greater of (a) average usage of the previous 12-month period or (b) the similar billing period of the previous year. If there is no previous usage history available, consumption may be estimated based on usage levels of similar Customers under similar conditions.
 - c. The leak adjustment shall not exceed 100% of the amount determined in item 2.b. above.
 - d. A leak adjustment, if approved, may only be approved one time in any twelve (12) month period.
 - e. All current charges on the Customer's water bill must be paid in full as a prerequisite of qualifying for consideration for any adjustment due to a discovered and corrected leak.
 - f. Excessive water usage due to theft, vandalism, fraud, system tampering, disregard of District's advice, or negligence by Customer or User is not subject to consideration for a usage leak adjustment.
 - g. Excessive water usage beginning on the shorter of 30 days following notice of a leak or a time period to repair provided by the District to the Customer is not subject to adjustment.
 - h. Any adjustment more than \$200.00 must be approved by the District Board of Commissioners at their regular monthly meeting.
3. A Customer may appeal the determination of the Business Office Manager of the District as to the availability and/or amount of an adjustment to the Board of Commissioners.
- B.** Agents of the District are authorized to turn off water service and lock such service at the Meter of unattended premises upon the discovery of water leaks. Water service shall not be turned back on until the Customer has provided satisfactory proof the leak has been repaired. If the District determines the Customer's service does not currently have a

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master water shut-off valve, the District can require the installation of such a valve prior to reinitiating water service.

- C. A charge per the District's Schedule of Fees shall be made to the Customer for turning the water off and on pursuant to subsections A or B of this section.

SECTION 10. Metering and Billing

- A. The District may at any time install or remove a Meter at the Customer's property. The charge made to the Customer for water use shall be based on the water measured by the Meter and upon the usage rates established by the District. Should a Meter become out of adjustment or for any other reason fail, a charge shall be made by the District to the Customer based on the average amount of water use for the preceding three months or such other period deemed by the Board as representative of the relevant water use.
- B. All Meters and other equipment furnished by the District will be maintained by the District and will remain its property.
- C. Meters will be read at the time service is first established and thereafter on a regular basis as established by the District.
- D. Should damage result to Metering equipment from intentional, reckless, or negligent actions of the User or Customer, the District will repair or replace such equipment and shall charge the Customer for the costs incurred. Such charges shall be subject to the provisions of Section 7.
- E. The District reserves the right to install such Meters or devices as may be necessary to detect and prevent fraud or waste without notice to the Customer. Whenever flat rate service is furnished for a special use and a demonstrated abuse of such service occurs, the District may meter such service and bill for water supplied.
- F. The District will, upon written request, test any Customer's Meter without cost to such Customer unless such tests are requested more often than once every twelve months. If request for testing of Meters is made by the Customer more often than once every twelve months, the District will charge the Customer per the District's Schedule of Fees for each such additional test.

SECTION 11. Ownership of Equipment

- A. All Customer Lines shall be the Customer's property and responsibility to maintain, unless by special agreement, a Customer Line is used as a Main extension for the District. All other water facilities and equipment, including but not limited to Meters, Mains, service lines, valves, and distribution equipment, shall be under the ownership and control of the District.
- B. Any reposition of a service line or Meter after initial installation must be permitted by the District and shall be at Customer's expense.

SECTION 12. Connection Permit Required

No plumber or other person shall be allowed to make connections with the Mains or service lines, permanently or temporarily, or to any fire hydrant or neighboring service connection, or make any alterations in any conduit pipe or other fixture connecting therewith, or to connect pipes when they have been disconnected, or to turn off or on service to any premises,

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without permission of the District and payment of all required fees.

SECTION 13. Unauthorized Connection Penalty

A penalty per the District's Schedule of Fees shall be charged to anyone who connects to a District Main or neighboring service connections without written District approval plus reimbursement of the District's cost to remove the connection.

SECTION 14. Unauthorized Turn-On or Interference With District System

A. After the water has been shut off by the District at the stopcock at the Meter, if it should be turned on again by any person except an authorized representative of the District, an excavation may be made in the street, the water shut off at the tap in the main, and not turned on again until all payments in arrears, the cost of cutting and replacing the street, and an amount per the District's Schedule of Fees for the expense of shutting off the water and turning it on, are paid.

B. No person shall interfere with any part of the District's water system. Any unauthorized turning of valves or any other controls shall incur a fine equal of that for an unauthorized turn on. This is in addition to any other civil or criminal penalties that may accrue as the result of such interference.

SECTION 15. Service Controls

A separate service line direct to the tap in the Main shall be required for each Dwelling Unit that is supplied with water unless otherwise determined by the District. Service pipes must be so placed that the supply to each Dwelling Unit shall be controlled by a separate shut-off valve placed within the property being served. A pressure controlling valve shall be installed on the line serving the Customer's property. The cost of the valve and installation is the responsibility of the Customer.

SECTION 16. Repairs and Service Interruption

- A. Water service may, at any time, be shut off for emergency repair or other necessary purposes without notice. The District will not be responsible for any consequent damages to property of any person or injury to any person caused by such interruption of service. The District shall use its best efforts to give notice of the time and reason for shutoff to the User whose water is to be shut off.
- B. The District shall be responsible for the repair of leaks that may occur on the Main line and service lines of the District.
- C. The water supply available to the District is limited, particularly in the dry summer and early fall months. Therefore, it is critical that loss of water due to leakage be minimized. It is the District's responsibility to find and repair water leaks in the District's distribution system. It is the Customer's responsibility to repair water leaks on the Customer side of the water Meter.

SECTION 17. Waste

Water must not be allowed to run to waste through any faucet or fixture in order to prevent freezing or kept running any longer than necessary for its proper use. No reduction will be made in the charges for water use due to such waste.

SECTION 18. Conflict of Provisions

In case of conflict between any provisions of any rate schedule and these rules and regulations, the rate schedule shall apply.

SECTION 19. Appeals

Any appeals concerning water rates or services, or interpretation or enforcement of this Ordinance, must be made in writing and submitted to the District within 30 days of the decision, interpretation, or enforcement at issue, and shall be adjudicated by the District Board of Commissioners. In the event the Customer requests such a hearing prior to shutting off water service due to a billing issue, then service shall remain on until the hearing is held, and a written decision is mailed by Certified mail to Customer's address on the Account. Receipt of such decision will be presumed received five days following mailing of the decision.

SECTION 20. New Subdivisions and Partitions

- A. In addition to complying with all other terms of this Ordinance as well as the other rules and regulations of the District, any Owner intending to subdivide or partition their property shall comply with the terms of this Section.
- B. Prior to or contemporaneous with the submission of an application for water service and prior to preliminary plat approval, Owners of new subdivisions or partitions shall furnish the following documentation:
 - 1. Complete plans for proposed on-site water, utility, sanitation, storm water drainage, and fire suppression systems including service with Meter boxes and standard fire hydrants to the specifications of the District.
 - 2. Complete plans for any required off-site Main extensions or other facility or system improvement necessitated to provide service to the subdivision or partitioned properties.
- C. The District may consider the option of paying for an amount of capacity beyond that needed for the subdivision or partition, but the District is not required to extend its water services infrastructure and capacity beyond that needed by the subdivision or partition.
- D. Improvements may be made through the assessment procedure provided in ORS 264.362 through 264.394 when the District Board considers it necessary or upon petition of the Owners of one-half of the property that benefits especially from the proposed improvement.
- E. Applications for a Water Availability Letter shall not be reviewed by the District until the

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Owner submits a complete application for water service to the District and has also filed an application that is complete, save an except for a Water Availability Letter, with the Tillamook County Department of Community Development for the new subdivision or partition.

SECTION 21. Fire Protection

Pursuant to ORS 264.330, the District may install and maintain hydrants and associated equipment and facilities recommended by the local Nehalem Bay Fire & Rescue District. Facilities and equipment normally associated with adequate firefighting protections include fire hydrants, Mains of an adequate size, and pressure zone interties.

SECTION 22. Improvement Program

The District shall periodically develop and review a system improvement program, establishing priorities, funding plan and estimated timing of system improvements. A capital improvement reserve fund shall be established to make such improvements.

SECTION 23. Repealer.

Ordinance 2024-1 is hereby repealed and replaced in its entirety by this Ordinance.

SECTION 24. Enforcement.

Unless otherwise provided in the District's Statement of Fees, violation of any section of this Ordinance shall subject the offender to a fine of \$500 per violation. Each day of violation shall constitute a separate infraction. This section is in addition to any other remedy previously provided in this Ordinance. Violations of this Ordinance shall be pursued as provided in ORS 198.600.

SECTION 25. Protection Of Drinking Water

Providing safe and sufficient water is a fundamental obligation of the Neahkahnie Water District. Therefore, protecting the integrity, quality and quantity of drinking water is paramount and necessary for the peace, health, and safety of the people of the District. The District's area is in the process of development, and consequently there is a need to ensure that sufficient procedural and substantive standards are in place for water connections and water usage in the District's area in order to protect the integrity and pristine quality of the District's water sources.

SECTION 26. Severability

If any provision of this Ordinance that is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the remaining

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portions thereof.

SECTION 27. Scrivener's Errors

Scrivener's errors in any portion of this Ordinance may be corrected by order of the Board of Commissioners.

Dated Adopted: _____

PRESIDENT

Attest:

SECRETARY