

1 **SECTION 3. Prohibited Connection; Application and Payment for Service Connection**
2 **Time Limit for Connection and Credit to Run with the Land.** Section 1.01.020 (Application
3 for Water) is hereby amended to specify the timing for payment of connection fees and
4 System Development Charges, the time limit to use the service, and credit toward future
5 increases in SDC rates and connection charges in the event connection is not timely made to
6 the system, as follows:

7
8 **1.01.020 PROHIBITED CONNECTION; APPLICATION AND PAYMENT FOR**
9 **SERVICE CONNECTION; INSTALLMENT PAYMENT, TIME LIMITS AND CREDIT TO**
10 **RUN WITH THE LAND FOR WATER.**

11
12 **A. No person may connect to the water or sewer system of the city unless the**
13 **appropriate system development charge has been paid or the lien or installment**
14 **payment method has been applied for and approved.**

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16 **B.** Applications for the use of water must be signed by the property owner and made on
17 the Water District's approved application form, which can be secured at the office of
18 the District. By signing said application form the applicant agrees to conform to the
19 rules and regulations of the Water District as a condition for being served with water.
20 A request or application for service does not, in itself, constitute a contract until the
21 requirements contained in the District's regulations are satisfied and the District
22 actually delivers or is ready to deliver service to customer. If the application involves
23 an existing service a service charge of \$25.00 or such greater amount as established
24 by District Resolution, shall be paid in advance. If said application involves a new
25 service, the applicant shall pay **the current such** request for service charge together
26 with the actual cost to the district for providing said service. The service will include
27 cost of a meter for all new connections. A minimum service connection fee as
28 established by Ordinance or Resolution, plus any amount which is deemed to be due
29 by virtue of Section 1.01.030 of these regulations is due in advance prior to
30 commencing the work of installing the service. **Connection to the system and**
31 **commencement of payment of the applicable monthly water rate shall be made**
32 **within one year of the application for service and payment of the connection fee**
33 **or building permit expiration whichever occurs first. Failure to make the**
34 **connection in the time specified shall subject the owner to review of available**
35 **capacity and any applicable intervening increase in connection fees and charges**
36 **Previously paid fees and charges shall be a credit which runs with the land.**

37
38 **C.** All pipe sizes are interior diameter. No application for a service to a building or
39 structure will be accepted if the plumbing in said building or structure does not
40 comply with applicable rules, regulations and codes.
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1 **SECTION 4 Variance to Regulations for Demonstrated Hardship.** A new Section 1.01.140
2 (Variance to Regulations and Fees) is hereby added to the Codification of Otter Rock Water
3 District Rates and Regulations for Water Service, as follows:
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5 **1.01.140 VARIANCE TO REGULATIONS AND TIMEFRAMES FOR COMPLAINEE**
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7 **A. The Board, by unanimous vote, may authorize variances from**
8 **regulations and timeframes specified for compliance, where it can be**
9 **shown that, owing to special and unusual circumstances related to a**
10 **specific piece of property, that strict application of the Board's**
11 **regulations and timeframes for compliance would cause an undue or**
12 **unnecessary hardship. No variances shall be granted to health and**
13 **safety regulations of the district, including construction standards.**
14 **Variances are only permitted to regulations and to the period of time**
15 **for compliance with regulations. In granting a variance, the Board**
16 **may attach conditions which it finds necessary to protect the fiscal and**
17 **regulatory interests of the District or otherwise to achieve the**
18 **protection of District and owners of real property in the District.**
19

20 **B. A variance may be granted only in the event that all the following**
21 **circumstances exist:**
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23 **A. Exceptional or extraordinary circumstances apply to the**
24 **property which do not apply generally to other properties in the**
25 **same zone or vicinity and result from lot size or shape legally**
26 **existing prior to the effective date of Ordinance 2017-02 or**
27 **other circumstances over which the applicant has no control;**
28

29 **B. The variance should not be materially detrimental to the**
30 **purposes of these regulations, or otherwise conflict with the**
31 **objectives of any District fiscal or regulatory policy;**
32

33 **C. A variance application must be submitted in writing by the**
34 **applicant and the applicant must personally appear before the**
35 **Board and explain why compliance with the District's**
36 **regulations operates as a hardship.**
37

38 **SECTION 5 Findings Adopted.** The findings contained in the Whereas Clauses of
39 this ordinance together with the competent substantial evidence in the record of this
40 legislative proceeding are incorporated into this section by reference as if fully set
41 forth herein, and are adopted in support of this legislative action.

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SECTION 6. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 7. Ordinance Effective Date / Emergency.

Inconsistent Ordinances and Resolutions concerning rates and charges must be made consistent with the rates lawfully established during the budget process and otherwise in accordance with notice and hearing procedures of ORS 264.312. Accordingly, an emergency is declared in order that this Ordinance may be in force and effect from and after passage by the Governing Body. In addition to clarification of rates, fees and charges, a variance process is necessary to address hardship situations presented to the Board. Notice shall be provided of the emergency enactment as provided in ORS Chapter 198.

Following a motion to be read by Title only, the foregoing ordinance was distinctly read by Title only in accordance with Oregon Revised Statutes on the 14th day of November, 2017 (First Reading). and after changes were fully read and a motion for Declaration of an Emergency, the Ordinance was distinctly read by Title a second time on the 14th day of November 2017(Second Reading).

PASSED AND ADOPTED by the Board of Commissioners of the Otter Rock Water District this 14th day of November, 2017.

ROD ZAWALSKI, DATE
BOARD PRESIDENT

ATTEST:

BOARD SECRETARY, DATE

PASSED AND ADOPTED by the Board of Commissioners of the Otter Rock Water District this 14th day of November, 2017.

Vote: Yes / No
Commissioner 1 Yes _____
Commissioner 2 Yes _____