RULES AND REGULATIONS OF RIVERBEND-RIVERBANK WATER IMPROVEMENT DISTRICT

Modified: April, 2020

1.0 Definition

1.1 District: Riverbend Riverbank Water Improvement District.

1.2 Levy: A computation of the whole amount of money to be raised by the District for the ensuing year through assessments and fees.

1.3 System Development Charge: A charge for a new home to be added to the system, which takes into account previous system improvements.

1.4 System Maintenance Charge: A charge made to a new owner when a home changes ownership, for the purpose of the new owner buying into the existing maintenance fund managed by the District.

1.5 Special Assessment: A charge to cover an unplanned, major expense.

1.6 Water Service Fee: The bi-monthly fee for water service.

1.7 Lien: A legal claim of right over the property of another until some claim or due is satisfied.

2.0 These Rules and Regulations set forth the policies and procedures of the Riverbend-Riverbank Water Improvement District and have been established and shall be enforced in accordance with the Articles of Incorporation of the District, the Bylaws of the District, the covenants and provisions of any duly recorded Landowners' Notice, and the laws of the State of Oregon.

3.0 All words used in these Rules and Regulations shall have the meaning as so defined in the Bylaws of the District, or as defined in 1.0, unless otherwise required in accordance with the context of this document.

4.0 LEVY: The Board of Directors shall, on or before September 30 of each year, make a computation of the whole amount of money to be raised by the District through assessments for the ensuing year for any purposes whatsoever, including maintenance and operation, estimated delinquencies on assessments, principal and interest of indebtedness maturing, and such reserves as the Board deems necessary.

5.0 EXPENSES: The amount of expenses determined by the Board shall be apportioned and/or assessed as follows:

5.1 Normal operating expenses, including maintenance, repair, and any capital replacement expense shall be assessed solely against the lots within the boundaries of the District or as provided in section 12.0.

5.2 Capital improvement expenses, including but not limited to connection charges and System Development Charge, shall be apportioned and assessed solely to those areas benefited by such improvement.

5.3 Neither assessments nor service charges shall be made against the land held, or to be held, as common areas for the benefit of the entire development. The District shall absorb the expense of providing water for such land.

6.0 ASSESSMENTS: Assessments may include a one time System Development Charge for new home construction, a System Maintenance Charge for a change in ownership, and any Special Assessments that may become necessary due to an unplanned expense. All charges, fees, and assessments are subject to change by resolution of the Board to reflect changes in costs and expenses associated with the water delivery, collection, and capital improvement services provided by the District.

6.1 The System Development Charge is $1,650. This is a charge for a new home to be added to the system, which takes into account previous improvements made to the system. The System Development Charge does not include the actual cost of connecting the new home to the existing water system. Such costs will be assessed in addition to the System Development Charge. Full payment is required prior to the initial turn-on of water service, including water for construction.

6.2 The System Maintenance Charge is $150. This is a charge made to a new owner when a home changes ownership, which takes into account cash reserves in the existing maintenance fund.

6.3 In addition, and if necessary, a Special Assessment may be made to all property owners of the District to cover any unplanned major expense incurred by the District.

7.0 CHANGE OF OWNERSHIP:

7.1 When a residence changes ownership and there has been no break in service, in order to ensure continuous service, the new owner will be responsible for all District fees, charges, and assessments made to the property and on the new owner from the date of transfer in ownership. The previous

owner will be responsible for all District fees, charges, and assessments made to the property and on the previous owner prior to the date of transfer in ownership.

7.2 When a residence changes ownership the new owner must pay the $150.00 System Maintenance Charge to establish a new account.

8.0 SERVICE CHARGES & COLLECTIONS: The Board shall adopt a schedule of charges and make the same available to all Homeowners. The amount of the Water Service Fee is evaluated annually. All fees and charges shall be made payable to Riverbend-Riverbank Water Improvement District.

8.1 The Water Service Fee shall be billed and become due and payable in bi-monthly installments upon receipt of the bill.

8.2 The District accounting service will mail the billings on a cycle to be established by the Board of Directors.

8.3 If a Homeowner is over 60 days late paying the account, a letter informing the Homeowner of the amount past due will be sent to the Homeowner by email or regular mail with the billing.

8.4 If a Homeowner's account remains unpaid over 120 days, a Certified Mail notice will be sent to the Homeowner informing them of the past-due status of their account. This letter will include a warning that if the Homeowner does not bring the account to a current status within 30 days, the District will charge interest on the outstanding balance from the day it became due until it is paid at the interest rate of 1.5% per month. In addition, a $100.00 processing fee will be added to the amount due for all accounts unpaid not brought to current status within 30 days of this 120-day notice letter. Any expense incurred by the district in the process of collecting delinquent payments will be added to what is owed by the Homeowner in addition to the regular fees for the water and any interest, penalties.

8.5 If the Homeowner's water bill is unpaid in an amount equivalent to 180 days of service, the district will notify the Homeowner by Certified Mail that the District will be shutting off water service until the past due balance, including the interest and processing fees and any other expenses incurred by the District, are paid in full, or an alternative payment plan is established and approved by the Board.

The 180-day notice will also notify the Homeowner that the Board reserves the right to file a Notice of Claim of Lien in Clackamas County in accordance with ORS 554.135.

8.6 The 180-day notice will also notify the Homeowner that the Board reserves the right to file a Notice of Claim of Lien in Clackamas County in accordance with ORS 554.135.

8.7 If the district shuts off a Homeowner's water supply for failure to pay a past-due account, the Homeowner must pay a service fee in addition to the regular bi-monthly water fees due, the interest on the water fees, and the processing fees. The additional fee to resume regular service will be determined by the costs incurred in locating, possibly modifying, and securing the service connection, and shall be a minimum of $100.

8.8 Any Homeowner who has received a 180-day delinquency notice as provided above, and who does not pay the account in full and bring the account to current status within 10 days thereof, will be required to pay a deposit of up to $1000, at the Board's discretion, to be held in that Homeowner's account for application to any future past-due payments or other charges or fees not kept current by the Homeowner. The remainder of any such deposit shall be returned to the Homeowner upon a change in ownership or Homeownership status.

8.9 In the event that water service has been reduced or terminated due to lack of payment, the Homeowner is not authorized to access or tamper with the service connection to the Homeowner's property, or to tamper with any other District facilities, without first complying with the repayment conditions specified in this section and bring the account to current status and obtaining the permission of a Board Member. Any Homeowner who violates this provision may be charged a fine of $1000. Any unauthorized tampering with a service connection or other District facility will be dealt with in the manner provided by law, and may result in no further service being provided to the Homeowner's property by the District.

8.10 If a Homeowner rents, leases, or otherwise does not occupy the home, the Homeowner remains responsible for payment of all fees due to the District and remains bound by the Provisions of these Rules and Regulations. The District shall bill the Homeowner for all water billing fees.

8.9.1 In instances whereby new renters become tenants, the Homeowner will not be subject to any additional System Maintenance Charges as outlined in Section 6.2 of these Rules and Regulations.

8.9.2 The Homeowner shall provide the District with their current billing address and notify the District at any time of a change of the Homeowners address.

9.0 LIEN AND FORECLOSURE: Any unpaid assessment or fees and the lien thereof shall be delinquent after the date of maturity of the last installment thereof and may be enforced and foreclosed. Upon the sale of any lands on such foreclosure, the District or any Homeowner thereof or any Homeowner of the District or other persons may be bidder and purchaser. The Board of Directors shall institute proceedings to enforce the lien of any assessment when the last installment of such assessment is delinquent for more than three months, as provided above.

10.0 CERTIFICATION OF ASSESSMENTS AND FEES TO COUNTY ASSESSOR:

10.1 Notwithstanding any other Rule or Regulations, the Board of Directors may certify the assessments or fees including any interest thereon to the County Assessor for Clackamas County for collection as other taxes are collected.

10.2 The Treasurer shall keep the proceeds of the assessments or fees in appropriate accounts depending upon the purpose of the assessments, and disbursements for the expenses of the District shall be paid out of the appropriate account.

11.0 CERTIFICATE OF PAYMENT: The District shall, upon demand at any time, furnish to any Homeowner liable for an assessment or fee a certificate in writing setting forth whether the assessments and fees on the lot(s) owned by such Homeowner have been paid.

12.0 LOTS SERVED BY THE DISTRICT:

12.1 No agreement shall be made to deliver water for irrigation or domestic use on lands outside of the boundaries of the District, with one exception. The District will provide service to one residence at 420 Riverbend Drive, being outside the District, and the owner of that residence shall be considered to be a voting member of the District.

12.2 No agreement shall be made to deliver water for irrigation, domestic, or commercial use on any lot or land subdivided or partitioned after March 1, 2007. The district will deliver water only to those lots already in existence as of that date. Further, no water service can be diverted from any existing lot to serve any other lot or multiple dwelling building. The District will deny any request from a member, a representative of a member, or from any governing body to provide water service in support of any subdividing, partitioning, multiple dwelling, or rezoning activity.

13.0 UNAUTHORIZED USE OF DISTRICT FACILITIES: No Homeowner of the District may operate any valve, switch, or electrical connection that is part of the District except for the service connection to each Homeowner's own property without the approval of our Certified Operator, or any member of the Board of Directors. If this rule is breached, the first occurrence will result in a written warning. If the same Homeowner breaks the rule for a second time a fine of $1000.00 will be levied. If at anytime District Equipment is damaged and must be replaced or repaired, the Board of Directors will determine if the Homeowner must pay for the repair or replacement, and shall assess charges to the responsible Homeowner(s) accordingly.

14.0 SUMMERTIME WATER CONSERVATION MEASURES: If it is determined necessary by the Board of Directors to limit outdoor water use during the time between June 1 and October 1, the Homeowners will be notified of the water conservation requirements by flyer and followed up by letter through US Mail. During this time period, outdoor use of water for irrigation, cleaning of sidewalks, use of pressure washers, filling of hot tubs or swimming pools may be limited to the schedule below:

14.1 Even-numbered properties water on even number days, odd-numbered on odd number days.

14.2 As an option, properties with automatic watering systems can water on alternating days.

14.3 If exceptions to these rules are necessary, a Board Member shall be contacted and may grant approval for the requested exception.

14.4 Failure to comply with these regulations can result in a fine of not less than $100.00 for each occurrence.

15.0 CROSS CONNECTION PROGRAM:

15.1 The objective of this program is to outline the procedures and practices for the Riverbend-Riverbank Water Improvement District to manage a cross connection program intended to reduce the risk to the potable water supply from contamination by potential hazards commonly found in the vicinity of water systems distribution lines.

15.2 Jurisdiction:

15.2.1 Federal – The federal government, under the Safe Drinking Water Act (SDWA), has jurisdiction over the public health aspects of the supply of drinking water.

15.2.2 State – The State of Oregon has responsibility for the enforcement of the federal government regulations, and has set forth a timetable for all municipal and community water systems to define and approve their policies and ordinances, and implement testing programs.

15.2.3 District – To comply with Federal and State regulations, the Riverbend/Riverbank Water Improvement District will define the cross connection policies, obtain continued State approval of the plan, distribute and assist with educational information, and implement the Cross Connection Program.

15.2.4 Validity – If any provisions of the cross connection program or its application is found to be unenforceable, the validity of the remaining portions are not affected.

15.3 Cross Connection Definitions:

15.3.1 Cross Connection – A cross connection is any actual or potential physical connection between a potable water line and any pipe, vessel, or machine containing a non-potable fluid or having the possibility of containing a non-potable fluid, solid or gas, such that it is possible for the non-potable fluid, solid, or gas to enter the water system by backflow.

15.3.2 Backflow – Backflow is a flow in reverse of the normal direction of the flow in a piping system. It occurs due to a difference in pressure existing between points; fluid of higher pressure flowing to a fluid of lower pressure.

Example 1: The most common example of potential backflow in our District is that of lawn and garden irrigation systems. A combination of circumstances, such as the loss of system

pressure during a watering cycle and the lack of a functioning backflow device, has the potential of siphoning lawn or garden chemicals into the water lines which at that time may have negative pressure. Professionally installed irrigation systems are normally equipped with backflow or "anti-siphon" devices to prevent this from occurring. These devices must be of the correct type, and must be periodically tested for proper operation.

Example 2: Also common in our District and of equal concern are landscape ponds, fishponds and livestock watering troughs. These must be isolated from the water system either by the use of backflow devices, or with "air-gap" water connections.

15.3.3 Air-Gap – An Air-Gap connection is simply any method of supplying water without using a closed–pipe connection; or, supply where the water must pass through the air, thus not being possible to siphon back into the system. The most common household examples are sinks, basins, and toilets, where there is an Air-Gap between the supply and the use. Outside of the home, ponds or containers that are manually filled with a water hose should have an air space between the hose and the highest water level of the container. The hose end should not be submerged. The following definition is per the Oregon State Health Division: An approved air gap is a vertical separation of at least twice the inside diameter of the supply line, never less than one inch, measured between the supply line and the top rim of the vessel being filled.

15.4 Cross Connection Regulations:

15.4.1 Timetable – It is the goal of the District to have all cross connection hazards resolved, to have a regularly scheduled testing program by a Certified Backflow Assembly Tester in place, and to have the Cross Connection Program fully operational beginning January 1, 2000.

15.4.2 Backflow Devices – Every location where a cross connection hazard exists must have an approved cross connection device installed. The Oregon Health Division maintains a list of approved and testable backflow devices. This list of devices is available from the District.

15.4.3 Previous Devices – Previously installed Atmospheric Vacuum Breaker devices will be allowed unless it is determined that they are not operating properly. At that time, such devices must be replaced with approved testable devices at the Homeowner's expense.

15.4.4 Testing – Each cross connection device must be tested at installation and annually thereafter by a Certified Backflow Assembly Tester. The results of those tests are to be recorded in the District files. For devices that are not testable, no test is required.

15.4.5 Reporting – The District Secretary will maintain all records regarding inspection and testing of cross-connection devices, and submit all required reports to the State in a timely manner.

15.5 Cross Connection Priorities:

15.5.1 Initially, each cross connection hazard will be given a hazard rating, with the most hazardous being given the highest priority for correction. The type of device required will be determined by the severity of the hazard, according to State guidelines.

15.5.2 After determination has been made that a cross connection hazard exists, as verified by a Certified Cross Connection Inspector, the District Secretary will notify the property owner. After written notification, the property owner will have 60 days to repair or complete the installation of an appropriate cross connection device. In some cases, an agreement may be reached between the property owner and the District for the District to proceed with the necessary upgrades.

15.6 Cross Connection Costs:

15.6.1 General – In keeping with the District policy that all connections and devices beyond the property line shutoff valves are the responsibility of the property owner, the ownership, maintenance and installation of backflow devices are also the responsibility of the property owner.

15.6.2 Pre-Existing – Regarding irrigation systems that were installed prior to November 1, 1996 in compliance with standards existing at the time of installation, but that do not comply with current requirements, all costs to upgrade the system are the responsibility of the property owner.

15.6.3 Current Standards – All non-irrigation uses, and all irrigation systems installed after November 1, 1996, must be in compliance with current standards or must be upgraded at the cost of the property owner when the backflow device is determined not to be operating correctly.

15.6.4 Inspections – All inspections required by the District, such as those that must be completed by a Certified Cross Connection Inspector, will be paid for by the District. All testing and maintenance of Cross Connection Devices is the responsibility of the property owner.

15.6.5 Maintenance – If a Certified Cross Connection Tester determines that a backflow device is not operating properly, or if the device does not meet current requirements for testing or correct operation, the costs to repair or upgrade that device are to be paid by the property owner.

15.6.6 Shutoff Valves – If a residence shutoff valve has not been installed between the main service and a residence, or if such shutoff valve cannot be located, the District may elect to install a shutoff valve. In such cases, the district will pay the shutoff valve costs.

15.7 Cross Connection Penalties:

15.7.1 Time Periods – In all cases where cross connection hazards have been determined to exist, or where deficiencies have been found in backflow devices, the District Secretary will provide written notice to the property owner. If there is an immediate threat to the water supply the property owner must disconnect the cross connection hazard immediately. If there is a potential threat to the water system the property owner will have 60 days to complete the work and correct the problem, or as an alternative, permanently disconnect the problem area from the system.

15.7.2 Non-Compliance – Failure of the property owner to correct a reported problem within the timetable set up by the District will necessitate the revocation of the property owner's rights to water from the Riverbend-Riverbank Water Improvement District. The property owner's water service will be disconnected until such time that the cross connection device is installed and approved, or the problem area is disconnected from the system. The property

owner will be responsible for all expenses related to disconnecting and reconnecting the water supply.

REVISION HISTORY

January, 2007	Sec 12.2 - Per BOD & members – no water to new subdivisions, partitions. No water service to new land subdivided or partitioned after March 1, 2007.
January, 2017	Sec 8.9 – Per BOD & members – Homeowner responsible for payment. RRWD has no way to bind renter to agreement to pay for water service.
April, 2020	Sec 8.4 and 8.5 - Per BOD - change Registered Mail to Certified Mail. USPS regs, Registered is tracking and security, Certified is signature.