

**CHENOWITH WATER PEOPLE'S UTILITY DISTRICT ORDINANCE
ORDINANCE NO. 14-01** *OR 41-00867*

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT AND
ADMINISTRATION OF RULES GOVERNING CROSS
CONNECTION CONTROL MEASURES FOR CHENOWITH
WATER PEOPLE'S UTILITY DISTRICT AND REPEALING
ORDINANCE NO. 05-01**

WHEREAS, Chenowith Water People's Utility District (hereafter "District") Board of Directors adopted Ordinance No. 05-01 for the district; and

WHEREAS, as a result of changes in the applicable regulations governing cross connection control measures, district staff determined that a new ordinance should be prepared to ensure that the district's cross connection control measures are up to date and in compliance with the applicable regulations; and

WHEREAS, District Board of Directors' Ordinance No. 14-1 includes several new provisions concerning cross connection control measures, including definitions, the type of cross connections regulated and the types of backflow prevention assembly requirements, installation requirements, testing and repairing of approved backflow assemblies, responsibilities of certified backflow assembly testers, and maintenance of backflow assemblies; and

WHEREAS, the District Board of Directors has reviewed the provisions of proposed Ordinance No. 14-1 and has determined that adoption of the proposed Ordinance is in the best interest of the health, safety, and welfare of the inhabitants of the district;

**NOW, THEREFORE, THE DISTRICT BOARD OF DIRECTORS DOES ORDAIN
AS FOLLOWS:**

Section 1. Purpose. The purpose of this Ordinance is to safeguard public health by protecting the water supply of the district from contamination or pollution due to any existing or potential cross connections. Oregon Administrative Rules Chapter 333, Division 061, requires water suppliers to "conduct an active program for systematically identifying and controlling cross connections." Through this Ordinance, the District adopts OAR 333-061, as now constituted, by reference.

Section 2. Definitions. For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this Ordinance is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in OAR 333-061, as now constituted, or the most recent edition of the Manual of Cross Connection Control published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California ("USC").

- A. Approved Air Gap (AG). A physical separation between the free-flowing discharge end of a potable supply pipeline and an open or non-pressurized receiving vessel. This separation must be at least twice the inside diameter of the supply pipe, measured vertically above the overflow rim of the vessel, and in no case less than one inch, and in accord with Oregon Plumbing Specialty Code, as now constituted.
- B. Approved Backflow Prevention Assembly or Backflow Assembly or Assembly. A Reduced Pressure Principle Backflow Prevention Assembly, Reduced Pressure Principle-Detector Backflow Prevention Assembly, Double Check Valve Backflow Prevention Assembly, Double Check-Detector Backflow Prevention Assembly, Pressure Vacuum Breaker Backsiphonage Prevention Assembly, or Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly, of a make, model, orientation, and size approved by the Oregon Health Authority - Drinking Water Program (OHA). Assemblies listed in the currently approved backflow prevention assemblies list developed by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, or other testing laboratories using equivalent testing methods, are considered approved by OHA.
- C. Auxiliary Water Supply. Any supply of water used to augment the supply obtained from the District Water System, which serves the premise in question.
- D. Backflow. The flow of water or other liquids, mixtures, or substances into the distributing pipes of the District Water System from any sources other than its intended sources. Backflow is caused by backsiphonage or backpressure.
- E. Certified Backflow Assembly Tester. A person who has successfully completed and maintains all requirements to be a Tester in the state of Oregon, as established by the Oregon Health Authority (per OAR 333-061-0072), or, for Oregon-licensed Journeyman or Apprentice plumbers, as established by the Director of Consumer and Business Services.
- F. Certified Cross Connection Control Specialist. A person who has successfully completed and maintains all requirements as established by the Oregon Health Authority to be a Specialist in the state of Oregon.
- G. District. Chenoweth Water People's Utility District.
- H. District Water System. The District Water System, which shall include wells, treatment mechanisms or processes, pumping stations, reservoirs, supply trunk or feeder lines, service lines, meters and all other appurtenances, device lines and items necessary to provide the public with piped water for human consumption.
- I. Contaminant. Any physical, chemical, biological, or radiological substance or matter in water that creates a health hazard.
- J. Cross Connection. Any actual or potential unprotected connection or structural

arrangement between the public potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substances other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow can occur are considered to be cross connections.

K. Degree of Hazard. Either pollution (non-health hazard) or contamination (health hazard) as determined by an evaluation of hazardous conditions within a system.

L. Director. The District Manager or his/her designee.

M. Double Check Valve Backflow Prevention Assembly (DCVA or DC). An assembly of two independently acting approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly is designed to protect against a non-health hazard, under both backpressure and backsiphonage conditions.

N. Double Check Detector Assembly (DCDA). A specially designed assembly composed of a line size approved double check valve assembly assembled with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for only very low rates of flow up to three gallons per minute and shall show a registration for all rates of flow. This assembly is designed to protect against a non-health hazard, under both backpressure and backsiphonage conditions.

O. Health Hazard (Contamination). An impairment of the quality of the water that could create an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, or other substances.

P. Mobile Units. Units that are temporary in nature, connecting to the water system through a legally-permitted hydrant, hose bib, or other appurtenance of a permanent nature that is part of the District Water System or a permanent water service to a premise. Examples can include, but are not limited to, the following: water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste hauler's trucks or units, sewer cleaning equipment, carpet or steam cleaning equipment other than homeowner use, rock quarry or asphalt/concrete batch plants, or any other mobile equipment or vessel that poses a threat of backflow in the District Water System.

Q. Non-Health Hazard (Pollution). An impairment of the quality of the water to a degree that does not create a hazard to the public health, but does adversely affect the aesthetic qualities of such water for potable use.

R. OAR. The Oregon Administrative Rules.

S. OHA. The Oregon Health Authority- Drinking Water Program.

T. Person. Any individual, corporation, association, firm, partnership, municipal, state or federal agency, or joint stock company, including any receiver, special master, trustee, assignee, or other similar representative thereof.

U. Point of Use Isolation. The appropriate backflow prevention within the consumer's water system at or near the point at which the actual or potential cross connection exists.

V. Pollutant. A substance that creates an impairment of the quality of the water to a degree which does not create a hazard to the public health, but which does adversely affect the aesthetic qualities of the water.

W. Potable Water. Safe drinking water which has sufficiently low concentrations of microbiological, inorganic chemical, organic chemical, radiological or physical substances so that individuals drinking such water at normal levels of consumption will not be exposed to disease organisms or other substances which may produce harmful physiological effects.

X. Potential Cross Connection. A cross connection that would most likely occur, but may not be taking place at the time of inspection.

Y. Premise. Real estate and the structures located on it.

Z. Premise Isolation. The practice of protecting the public water supply from contamination or pollution by installing backflow prevention assemblies at, or near, the point of delivery where the water supply enters the premise. Premise isolation does not guarantee protection to persons on the premise.

AA. Pressure Vacuum Breaker Backsiphonage Prevention Assembly (PVB). An assembly consisting of an independently operating, internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with properly located resilient seated test cocks and tightly closing resilient seated shutoff valves attached at each end of the assembly. This assembly is designed to protect against a non-health hazard or a health hazard under backsiphonage conditions only.

BB. Reduced Pressure Principle Backflow Prevention Assembly (RPBA or RP). An assembly containing two independently-acting approved check valves together with a hydraulically operated, mechanically-independent pressure differential relief valve located between the check valves, and at the same time, below the first check valve. The assembly shall include properly located test cocks and two tightly closing shut-off valves. This assembly is designed to protect against a non-health hazard or a health hazard, under both backpressure and backsiphonage conditions.

CC. Reduced Pressure Detector Assembly (CRPDA). A specifically designed assembly composed of a line size approved Reduced Pressure Principle Backflow Prevention Assembly with a bypass containing a specific water meter and an approved Reduced Pressure Principle

Backflow Prevention Assembly. The meter shall register accurately for only very low rates of flow up to three gallons per minute and shall show a registration for all rates of flow. This assembly is designed to protect against a non-health hazard or a health hazard, under both backpressure and backsiphonage conditions.

DD. Retrofit. To furnish a service connection with parts or equipment made available after the time of construction or assembly installation.

EE. Spill Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly (SVB). An assembly containing an independently operating, internally loaded check valve and independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with a properly located resilient seated test cock, a properly located bleed/vent valve, and tightly closing resilient seated shutoff valves attached at each end of the assembly. This assembly is designed to protect against a non-health hazard or a health hazard under a backsiphonage condition only.

FF. Stand-alone Fire Suppression System. A piping system within a premise intended to only serve as a fire protection system separated from the potable water system.

GG. Thermal Expansion. The pressure increase due to a rise in water temperature that occurs in water piping systems when such systems become "closed" by the installation of a backflow prevention assembly or other means and will not allow for expansion beyond that point of installation.

Section 3. Application and Responsibilities. This Ordinance applies throughout the District Water System and to every premise and property served by the District Water System. It applies to all premises, regardless of date of connection to the District Water System. Every owner, occupant, or person in control of any concerned premise is responsible for compliance with the terms and provisions contained in this Ordinance.

Section 4. Cross Connections Regulated.

A. No cross connection shall be created, installed, used or maintained within the area served by the District Water System, except in accordance with this Ordinance.

B. The District Certified Cross Connection Control Specialist shall carry out or cause surveys to be carried out to determine if any actual or potential cross connection exists. If deemed necessary, an assembly commensurate with the degree of hazard shall be installed at the service connection.

C. The owner, occupant, or person in control of any given premise is responsible for all cross connection control within the premise.

D. All premises found in Table 48 referenced in OAR 333-061-0070, as now constituted,

shall have installed a Reduced Pressure Backflow Assembly (RPBA) or an Approved Air Gap at the service connection for Premise Isolation in accordance with OAR 333-061-0070 and this Ordinance. In lieu of Premise Isolation, the RPBA or Air Gap may be installed as Point of Use Isolation, as approved by the District Cross Connection Control Specialist.

E. It is the responsibility of the property owner/occupant to purchase, install, test, repair and maintain all backflow assemblies.

F. If there is a change in ownership of any and all property within the District's service area, it shall be the responsibility of the new owner to determine that all assemblies are in compliance with this Ordinance.

G. The owner, occupant or person in control of any given premise is responsible to notify the District Certified Cross Connection Control Specialist if any chemical or substance is added to the water at that premise.

Section 5. Backflow Prevention Assembly Requirements. A Certified Cross Connection Control Specialist employed by or under contract with the District shall determine the type of backflow assemblies to be installed within the District Water System. All assemblies shall be installed at the service connection unless it is determined by the Certified Cross Connection Control Specialist and approved by the Director that it should be installed at the point of use. An approved assembly shall be required in each of the following circumstances, but the Certified Cross Connection Control Specialist's authority is in no way limited to the following circumstances:

A. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to permit entry into the potable water system, the potable water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention assembly.

B. When the nature and extent of any activity at a premise, or the materials used in connection with any activity at premises, or materials stored at a premise, could contaminate or pollute the potable water supply.

C. When a premise has one or more cross connections, as that term is defined in Section 2.

D. When internal cross connections are present which are not correctable.

E. When intricate plumbing arrangements are present making it impractical to ascertain whether cross connections exist.

F. When the premise has a repeated history of cross connections being established or re-established.

G. When entry to the premises is restricted so that surveys for cross connections cannot be

made with sufficient frequency to assure cross connections do not exist.

H. When materials are being used such that, if backflow should occur, a health hazard could result.

I. When an appropriate cross connection survey report form has not been filed with the District.

J. If a point-of-use assembly has not been tested or repaired as required by this Ordinance, the installation of a Reduced Pressure Principle Assembly will be required at the service connection.

K. There is piping or equipment for conveying liquids other than potable District water and that piping or other equipment is under pressure and installed and operated in a manner that could cause a cross connection.

L. The use of any type of chemical spray attachment connected to the premises plumbing, including garden hose fertilizer and pesticide applicators, is not allowed within the District Water System without proper protection from the potential of backflow occurring.

M. The use of any type of radiator flush kits attached to the premises plumbing is not allowed within the District Water System without proper protection from backflow occurring.

N. Wherever reclaimed water, harvested rain water, storm water recovery systems, ground water recovery systems, treated wastewater re-use systems, used-water return systems or ditch water is used on the premises.

O. When there is a premise with an auxiliary water supply which is interconnected or has the potential to be interconnected to the District Water System.

P. Where there is a fire protection service or an irrigation service.

Section 6. New Construction.

A. When a building is constructed on commercial premises and the end use of the building is not determined or could change, a Reduced Pressure Principle Backflow Prevention Assembly (RPBA) shall be installed at the service connection to provide protection of the public water supply in the event of the most hazardous use of the building.

B. A minimum of a Double Check Valve Assembly (DCVA) is required to be installed at the service connection if:

- (1) The water meter is 2 inches or larger;
- (2) The District Certified Cross Connection Control Specialist determines that the backflow potential warrants installation of such a device.

Section 7. Retrofitting. Retrofitting shall be required at all service connections where an actual or potential cross connection exists and wherever else the Director or Certified Cross Connection Control Specialist deems retrofitting necessary to comply with OAR Chapter 333 Division 61, as now constituted, and this Ordinance. Prior to the installation of a retrofit Backflow Assembly, the assembly installer must obtain a State of Oregon Building Code plumbing permit and a District "Permit For Backflow Assembly Installation." Failure to complete and submit to the District "Permit For Backflow Assembly Installation" may result in penalties up to and including termination of water service.

Section 8. Irrigation Systems. All irrigation systems shall be protected according to the Oregon Plumbing Specialty Code, as now constituted. In the event any system is equipped with an injector system, a Reduced Pressure Principle Assembly (RPBA) will be required.

Section 9. Thermal Expansion. If a closed system has been created by the installation of a backflow prevention assembly, or other appurtenances, it is the responsibility of the property owner, the occupant, or person in control of the property to eliminate the possibility of damage from thermal expansion in accordance with the Oregon Plumbing Specialty Code, as now constituted.

Section 10. Mobile Units. Any mobile unit or apparatus, as defined in Section 2 of this Ordinance, which uses the water from any premises within the District Water System, shall first obtain a permit from the District and be inspected to assure that approved backflow protection is provided.

Section 11. Installation Requirements.

A. All backflow prevention assembly installations shall follow the requirements as stipulated by the District and OAR Chapter 333, Division 061, as now constituted and the Oregon Plumbing Specialty Code, as now constituted.

B. If the premise isolation assembly is allowed to be installed at an alternate location, per OAR 333-061-0070 (8), as now constituted, the District must have access to the assembly. No connections can be made between the meter and the backflow assembly.

C. If a premise listed on Table 48 (OAR 333-061-0070), as now constituted, is allowed by the District to have the required RPBA or Approved Air Gap installed at an alternate location, the District may require a DCVA to be installed at the service connection.

D. The type of back flow prevention assembly required shall be commensurate with the degree of hazard that exists and must, at all times, meet the standards of the Oregon Health Authority. All backflow prevention assemblies required under this section shall be of a type and model approved by the OHA.

E. Backflow assembly installations must be performed by a state of Oregon licensed plumber, a state of Oregon licensed landscape contractor with a "Limited Backflow Device Installation" endorsement, or private property owners performing work on their own property.

F. All backflow assembly installers must obtain a state of Oregon Building Code plumbing permit and a District "Permit for Backflow Assembly Installation" prior to performing an installation. Failure of an installer to obtain a District permit prior to installation shall be considered a violation of this Ordinance and may result in penalties up to and including termination of water service.

Section 12. Pressure Loss. Any decrease in water pressure caused by the installation of a backflow assembly shall not be the responsibility of the District.

Section 13. Fire Suppression Systems.

A. Stand-alone fire suppression systems shall be protected commensurate with the degree of hazard as determined by the Certified Cross Connection Control Specialist.

B. An approved Double Check Detector Assembly (DCDA) shall be the minimum protection on all new fire suppression systems using piping material that is not approved for potable water use, and/or that does not provide for periodic flow-through.

C. A Reduced Pressure Principle Detector Assembly (RPBA) must be installed, if any solution other than potable water can be introduced into the fire suppression system.

D. Retrofitting on fire suppression systems will be required in each of the following circumstances:

- (1) Where improper maintenance has occurred;
- (2) On all high hazard systems;
- (3) Wherever the Director or Certified Cross Connection Control Specialist deem it necessary; or
- (4) Wherever required by OAR Chapter 333, Division 061, as now constituted.

E. All Oregon Plumbing Specialty Code-approved residential multi-purpose fire suppression systems (13-D NFP) shall have backflow protection commensurate with the degree of hazard.

Section 14. Temporary Meters and Hydrant Valves. Backflow protection will be required on all temporary meters and fire hydrants used for construction water before any use. The type of assembly will be commensurate with the degree of hazard and will be determined on a case-by-case basis by the Director or the Certified Cross Connection Control Specialist. The Backflow Assembly shall be tested after each relocation.

Section 15. Plumbing Code. As a condition of water service, customers shall install,

maintain, and operate their piping and plumbing systems in accordance with the current Oregon Plumbing Specialty Code, as now constituted.

Section 16. Access to Premises. Authorized personnel of the District, with proper identification and sufficient notice, shall have access during reasonable hours to all parts of a premise and within the structure to which water is supplied. However, if any owner, occupant or person in control refuses authorized personnel access to a premise, or to the interior of a structure, during reasonable hours for inspection, a Reduced Pressure Principle Assembly (RPBA) must be installed at the service connection to that premise. All associated installation costs will be the responsibility of the property owner.

Section 17. Testing and Repairing Approved Backflow Assemblies.

A. Testing of all approved backflow prevention assemblies, and inspection of all approved air gaps, which are installed within the District service area shall be conducted:

- (1) At the time of installation, any repair or relocation;
- (2) At least annually;
- (3) More frequently than annually for approved backflow prevention assemblies that repeatedly fail, or are protecting health hazard cross connections, as determined by the Certified Cross Connection Control Specialist;
- (4) After a backflow incident; or
- (5) After an approved air gap is re-plumbed.

B. When any approved air gap, approved device, or approved backflow prevention assembly is found to not be functioning properly, the water user or premise owner shall promptly arrange for its repair, replacement or re-plumbing.

C. All repairs on backflow assemblies within the District service area must be performed according to all applicable state and other regulations. Backflow assembly repairs must be performed by a state of Oregon licensed plumber, a state of Oregon licensed landscape contractor with a "Limited Backflow Device Installation" endorsement, or private property owners performing work on their own property.

Section 18. Maintenance of Assemblies. Backflow prevention assemblies shall be maintained, tested and repaired in accordance with the requirements set out in this Ordinance, OAR 333, Division 61, as now constituted, the Oregon Plumbing Specialty Code, as now constituted, and any other applicable state agency regulations, as now constituted. Assembly owners are responsible for protecting their assemblies from freezing, vandalism or other damage. In the event an assembly is not properly tested, repaired, and notice thereof provided to the district as provided for herein, the district, at its discretion, may have the assembly tested and repaired and apply all costs associated with the testing and repair to the water bill of the assembly owner or person responsible for the water bill for the premises, or terminate water

service as per OAR 333, Division 61, as now constituted. Owners that have a backflow prevention assembly on their property shall provide annual notice of testing and maintenance to the district. If any owner fails to provide notice as provided for herein, district, at its sole discretion may terminate service or require the installation of a Reduced Pressure Principle Assembly (RPBA) on the premises.

Section 19: Responsibilities of Certified Backflow Assembly Testers.

A. All Certified Backflow Assembly Testers operating within the District Water System service area shall be certified in accordance with all applicable regulations of the Oregon Health Authority and the Oregon Plumbing Specialty Code, as now constituted.

B. All Certified Backflow Assembly Testers, including state of Oregon licensed journeyman and apprentice plumbers, operating within the District Water System service area shall submit to the District the following verifiable information:

- (1) documentation of initial tester training;
- (2) For OHA-certified Testers: documentation of satisfactory completion of a Tester Renewal course during each two year certification time period, in accordance with the regulations of the Oregon Health Authority; and
- (3) documentation of yearly test gauge calibration reports.

C. Certified Backflow Assembly Testers shall abide by all applicable requirements of the Oregon Occupational Safety and Health Administration (OR- OSHA) as set forth in ORS Chapter 654, as now constituted, and OAR Chapter 437, as now constituted.

D. It is the responsibility of Certified Backflow Assembly Testers to submit a copy of all completed test reports to the District within 10 working days of completing the test. Test report forms must be complete, legible, and in a manner and form acceptable to the District.

E. All Certified Backflow Assembly Testers not currently on the District's customer courtesy list of testers operating locally are encouraged to notify the District Certified Cross Connection Control Specialist at least 48 hours prior to performing their first test in the District service area.

Section 20. Costs of Compliance. All costs associated with purchase, installation, testing, replacement, maintenance and repair of the backflow prevention assembly are the financial responsibility of the property owner, occupant, or other person in control of the premises.

Section 21. Recovery of Costs. Any person violating any of the provisions of this Ordinance, and who causes damage to or impairs the District Water System, including, but not limited to, allowing contamination, pollution, any other solution or used water to enter the

District Water System, shall be liable to the District for any expense, loss or, damage caused by such violation. The District shall collect from the violator the cost incurred by the District for any cleaning purifying, repair, or replacement work, or any other expenses caused by the violation. Refusal to pay the assessed costs shall constitute a violation of this Ordinance and shall result in the termination of service.

All costs associated with any water service termination and/or disconnection and/or reconnection fees resulting from the enforcement of this Ordinance are the sole responsibility of the water utility account holder and/or owner of the premises.

Section 22. Termination of Service.

A. The District shall have the authority to discontinue water service to a premise for the following reasons, as required by OAR 333, Division 061, as now constituted:

- (1) Failure to remove or eliminate an existing unprotected or potential cross connection;
- (2) Failure to install an approved backflow prevention assembly as required;
- (3) Failure to maintain an approved backflow prevention assembly;
- (4) Failure to conduct the required testing of an approved backflow prevention assembly and providing notice thereof to district; or
- (5) Failure to submit a District "Permit for Backflow Assembly Installation" prior to installing a Backflow Prevention Assembly.

B. In the case of an extreme emergency or where an immediate threat to life or public health is found to exist, termination of water service to the premises shall be immediate.

C. The District may, at the property owner's expense, in lieu of termination of service, provide for the installation of a Reduced Pressure Assembly (RPBA) at the meter. All future testing, freeze protection, maintenance and repair of the assembly will be the responsibility of the property owner.

Section 23. Falsifying Information. Any person who knowingly makes any false statement, representation, record, report, or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any backflow assembly, device, or method required under this Ordinance shall be subject to civil and/or criminal penalties as provided by state law.

Section 24. Violations. No person shall violate any of the provisions of this Ordinance. Any person who violates this Ordinance shall be subject to a fine not to exceed the sum of \$2,000. If the violation is of a continuing nature, each day which the violation continues shall be deemed a separate offense.

Section 25. Severability. If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 26. Conflicts. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of the inconsistency or conflict.

Section 27. Effective Date. This Ordinance shall be in full force and effect thirty (30) days following passage.

Section 28. Saving Clause. Ordinance No. 05-01, repealed by this Ordinance, shall remain in force to authorize the prosecution and enforcement of a violation of Ordinance No. 05-01 prior to the effective date of this Ordinance.

Section 29. Classification of fees. The District finds that the fees and charges imposed in Sections 20 and 21 are not subject to the provisions of Article XI, Section 11(b) of the Oregon Constitution, because the charges are imposed after a property owner has failed to meet routine obligations of ownership, and action is deemed necessary to enforce regulations pertaining to health and safety.

Section 30. Repeal. Ordinance No. 05-01 is hereby repealed.

APPROVED AND ADOPTED by the Board of Directors this _____ day of _____, 2014.

Thomas Ashmore, President

ATTEST:

Marla Skroch, Secretary

APPROVED AS TO FORM:

Thomas C. Peachey, OSB No. 783319
Attorney for Chenowith Water PUD

Date of first reading: 11th day of February, 2014.

Date of second reading: 11th day of March, 2014.

Date enacted and passed: _____ day of _____, 2014.