

AFTER RECORDING RETURN TO:  
Rainbow Water District,  
PO Box 8  
Springfield, OR 97477

**ORDINANCE NO. 2021.01**

**AN ORDINANCE OF THE RAINBOW WATER AND FIRE DISTRICT**

**REGULATING ACCESS TO DISTRICT PROPERTY**

WHEREAS, Rainbow Water and Fire District (District) is a domestic water supply district organized under Oregon Revised Statutes (ORS) Chapter 264, the principal Act, and

WHEREAS, ORS 264.410 provides that “the power and authority given to districts is vested in and shall be exercised by a board of five commissioners, each of whom shall be an elector of the district” and ORS 264.306 provides that “any district may adopt and promulgate regulations concerning the use of water and the property of the district”, and

WHEREAS, ORS 198.530 provides that “when a district board is authorized by the principal Act to enact, amend or repeal regulations, it shall do so in accordance with ORS 198.510 to 198.600” and ORS 198.510 to 198.600 specify requirements for adopting an ordinance that include reading the ordinance during regular board meetings on two different days at least six days apart, giving public notice that an ordinance will be considered, obtaining signatures of the board president and secretary on the enrolled ordinance, filing a certified copy of the adopted ordinance with the county clerk, and stating the dates when the ordinance was adopted and when it will take effect, and

WHEREAS, the District is a steward of public health and the environment and has a responsibility to guard facilities against theft and sabotage, and to secure reservoirs and wells to protect the water supply for the safe provision of water for drinking, fire protection, and other domestic uses, and

WHEREAS, the District desires to regulate access to property owned and utilized by the District, clarifying that: (1) some properties or portions of property are not fenced but unauthorized access is specifically prohibited from dusk-to-dawn, (2) some properties or portions of property are fenced with access further restricted at various times by closure of a gate, and (3) access to some equipment is further secured by housing on an elevated platform or inside a locked building, and

NOW THEREFORE, THE RAINBOW WATER AND FIRE DISTRICT ORDAINS AS FOLLOWS:

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The following access regulations shall apply to each listed category of District property:

**CATEGORY 1. OFFICE BUILDING AT 1550 N. 42<sup>ND</sup> STREET**

The general public is authorized to temporarily access the District’s property for the purpose of making a payment in the outside mail slot, entering the District’s office building through the front door to reach the customer service counter during business hours, or to attend a scheduled public meeting in the conference room. No person may proceed past the customer service counter or enter the fenced equipment and vehicle storage area at any time without authorization. No unauthorized overnight parking is permitted. All unauthorized persons are trespassers and are subject to removal by law enforcement.

**CATEGORY 2. WELLFIELD PROPERTIES**

Access by unauthorized persons is prohibited between the hours of dusk and dawn. All unauthorized persons accessing District property between the hours of dusk and dawn are trespassers and are subject to removal by law enforcement.

The Chase Wellfield is not fully enclosed by a fence, and the general public is granted the limited authorization to walk through the area during daylight hours. The limited authorization is revoked and all access by unauthorized persons is prohibited at all times if closure is indicated by a locked gate or posted closure sign. Unauthorized persons accessing District property during a safety closure are trespassers and are subject to removal by law enforcement.

**CATEGORY 3. RESERVOIR PROPERTIES**

Access by unauthorized persons is prohibited at all times at Kelly Reservoir and Moe Reservoir. All unauthorized persons are trespassers and are subject to removal by law enforcement.

**CATEGORY 4. BUILDINGS AND ELEVATED PLATFORMS**

Access onto elevated platforms, around pumping equipment, or inside equipment buildings is prohibited by unauthorized persons at all times due to safety and security concerns. All unauthorized persons accessing elevated platforms (Chase Well #3 and Chase Well #4) or entering equipment areas are trespassers and are subject to removal by law enforcement.

**CATEGORY 5. NO PARKING AREAS**

The District may establish *No Parking Areas* to maintain the safety and security of District facilities or establish clear ingress and egress routes for District equipment or parts deliveries. Signs will be posted in partnership with a towing company, and vehicles parked in a posted *No Parking Area* may be towed away without warning at the District’s discretion. No unauthorized overnight parking is permitted. Any vehicle parked in a location that creates a dangerous situation or blocks the District’s ability to access equipment and materials needed for emergency response, may be towed without warning whether or not a *No Parking Area* sign is posted.

**APPLICABLE TO ALL CATEGORIES**

Signs will be posted to indicate No Parking Areas and regulated access areas.

Authorized access for any group or individual may be revoked by District at any time and for any reason.

All unauthorized persons are trespassers and are subject to removal by law enforcement.

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SUBMITTED to the Rainbow Water and Fire District Board of Commissioners and read for the first time, by title only, with a public hearing at a regular meeting on the 13<sup>th</sup> day of October 2021, and read for the second time, by title only, at a regular meeting thereof on the 10th day of November 2021, commencing at the hour of 5:30 p.m. at the offices of the Rainbow Water District.

Deleted: with a public hearing

ENACTED by the Board of Commissioners of the Rainbow Water and Fire District, on the 10th day of November 2021, with ordinance to take effect on the 13<sup>th</sup> day of December 2021.

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Jamie Porter, Superintendent¶

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Jim McLaughlin, President

Total AYES: \_\_\_\_\_

Total NAYS: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Mary Beth Wilson, Secretary

**SUMMARY OF VOTES:**

Commissioner Keeler \_\_\_\_\_  
Commissioner Wilson \_\_\_\_\_  
Commissioner Casley \_\_\_\_\_  
Commissioner Allocco \_\_\_\_\_  
President McLaughlin \_\_\_\_\_

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Ordinance 2021.01 Regulating Access to District Property