

Chapter 13.04WATER SERVICE SYSTEMSections:

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13.04.010 Administration. A. The operations and business of the water department of the city shall be directed by the city manager or designee.

B. The water department shall have under its direction a water supervisor employed by the city manager.

C. The water supervisor shall have charge of the maintenance and operation of the water supply, treatment plant, pumping equipment, and all other appurtenances of the water treatment system under the supervision and direction of the city manager or designee. He is also authorized to employ the necessary labor for properly carrying out his duties and maintaining the water department facilities.

D. The city recorder-treasurer shall be responsible for the rendering and collection of bills for all rentals, fees, deposits and other charges made for water services. All revenues therefrom shall be accounted for in a manner satisfactory to the city manager or designee and shall be deposited regularly in the city treasury in the same manner approved for other municipal deposits.

E. The city recorder-treasurer is authorized to issue warrants for payment and to issue checks for payment of all labor contracted for by this supervisor upon presentation of time records and bills properly countersigned by the supervisor without approval by the city manager or designee.

F. The city of Scappoose shall also employ a supervisor who shall have charge of the water distribution system, fire hydrants, meters, and all other appurtenances of the water distribution system under the supervision and direction of the city manager or designee. He/she shall also be responsible for the reading of all water meters. He/she is also authorized to employ the necessary labor for properly carrying out his duties and maintaining the water distribution facilities.

(Ord. 879, 2019; Ord. 724 \$1, 2002; Ord. 514 \$1, 1986; Ord. 500 \$1, 1985; Ord. 440 \$1, 1982; Ord. 417 \$1, 1981; Ord. 379 \$1, 1978)

13.04.020 Water mains. A. The water mains of the city shall be under the complete control of the city manager or designee, and no person or persons other than those authorized to do so by the city manager or designee shall tap, change, obstruct, interfere with, or in any way disturb the water system. The only exception shall be development reviewed and approved by the city engineer.

B. Extension of water mains within the corporate limits of the city may be made by the water department, but such extensions will be made only when, in the judgment of the city council, it is economically feasible. Outside users may be connected to the city water system upon a two-thirds affirmative vote of approval by the city council, it being the policy of the city that no outside users will be connected to city water.

1. Except for existing outside users, the City will not provide new water service to unincorporated areas. However, the City of Scappoose will provide water service to all existing properties, including any further properties created by partition or subdivision processes for the properties associated with Parish, et al v. City of Scappoose, and Alexander et al v. City of Scappoose. Other properties directly abutting the Dutch Canyon Water Line Extension may also be provided water service, at the density permitted by Columbia County zoning as of November 3, 2003 for properties without municipal water service. Future zone changes within Columbia County allowing for greater density of properties via partition or subdivision processes do not merit the provision of water service from the City of Scappoose, nor do properties not abutting the Dutch Canyon Water Line Extension but equipped with a private or public easement across an abutting property qualify for water service.

2. Allow the construction of certain public facilities, including water lines, sanitary sewer lines and storm sewer lines outside the Urban Growth Boundary when it is beneficial to the City from an engineering, or operational basis, and in regard to water line extension, in specific scenarios where such extension might provide the potential for recovery of required improvement costs. However, the City will not allow any connections to these facilities except for health and safety reasons, and only when alternative solutions have been proven unviable. This provision does not restrict the ability of the City of Scappoose to contract with a water district or water association to provide water. However, the City of Scappoose will provide water service to all existing properties, including any further properties created by partition or subdivision processes for the properties associated with Parish, et al v. City of Scappoose, and Alexander et al v. City of Scappoose. Other properties directly abutting the Dutch Canyon Water Line Extension may also be provided water service, per the density provisions of underlying zones present within Columbia County as of November 3, 2003. Future zone changes within Columbia County allowing for greater density of properties via partition or subdivision processes do not merit the provision of water service from the City of Scappoose, nor do properties not abutting the Dutch Canyon Water Line Extension but equipped with a private or public easement across an abutting property qualify for water service.

3. Allow the extension of water services, but not sewer services, beyond the Urban Growth Boundary to any water district or water association that wishes to contract with the City for water, and to properties directly abutting the Dutch Canyon Water Line Extension, per the restrictions in Section 2, above.

C. Any person, firm or corporation installing water mains at their own expense shall first submit plans and specifications for such work to the city manager or designee for approval. After such plans and specifications have been approved by the city manager or designee, the work shall be done under the supervision of the city manager or designee, who shall require that such tests be made as may be considered necessary; and no water shall be admitted into such mains, except through an air-gap system or a double detector check assembly, until tests are accepted by the city manager or designee on behalf of the city.

D. Should the water department be hired to construct an extension to the water mains, before construction of such an extension to the water mains will be started, the property owners who signed the original agreement shall deposit with the city recorder- treasurer an amount equal to an estimate of cost of such construction. If the actual cost of construction is less than the estimate, the excess money collected shall be returned to the property owners on a prorated basis the same as was collected; and in the event the costs exceed the moneys deposited, the balance shall be paid by the developer or persons hooked to the system prior to the city turning on the water in the newly installed system. (Ord. 879, 2019; Ord. 739 §1, 2003; Ord. 724 §1, 2002; Ord. 603 §1, 1993; Ord. 379 §2, 1978)

13.04.030 Expiration of water hookups. A. All future acquired water hookups shall expire three years after the date purchased if not used. (Ord. 879, 2019; Ord. 530 §3, 1987; Ord. 379 §11, 1978)

13.04.040 Service pipes. A. All service pipe on either public or private property shall be laid on solid ground not less than thirty- six inches below the established grade of the street. Service pipe shall not be laid in the same trench with a sewer line. Service pipe shall be laid only in an approved trench as defined in the public works design standards or current plumbing code of the city.

B. Service pipe and connections from the city mains to and including a stopcock and meter shall be placed by the water department or city permitted contractor within one foot of the property line, or where the main is in an alley, on the property line, and shall be installed and maintained by the city, and kept within its exclusive control.

C. From the water meter to a point inside the building, all service pipe shall be of galvanized pipe, copper or other materials approved by the building official, not less than three-fourths inch in diameter. The building official may require larger service pipe and fittings for large buildings. This portion is the responsibility of the property owner.

D. Service pipes must be so arranged that the supply to each house or premise may be controlled by the stopcock or gate valve.

E. All service pipe and all water piping in or on all premises shall be installed in accordance with Oregon Plumbing Specialty Code. No person shall interfere in any way with fixtures installed by the water department and shall not turn water on or off at the service cock except for the purpose of testing their work, in which case the service cock shall be left in the same condition and position it is found. Any plumber called upon to shut off water and drain pipes in any premises shall do so inside the building only, except as above provided.

F. Before any connection is made to any water main, application for a permit must be made in writing by the owner of the premises to be served, or by his/her authorized representative at City Hall. Such application shall be made on a form provided by City Hall and shall contain such information as the city may require.

G. At the time a permit is issued, a deposit shall be made estimated to be sufficient to cover the costs of any street repairs made necessary by the installation of the water connection. City Hall shall refund any amounts deposited in excess of such street repair costs.

H. A contractor or other person or persons must apply to City Hall for water for building purposes and water shall be furnished to such contractor or persons at the rates then in effect for service. (Ord. 879, 2019; Ord. 724 §1, 2002; Ord. 379 §3, 1978)

13.04.050 Meters. A. The public works department shall install meters on all service lines installed within city limits or outside city limits and shall charge for the quantity of water measured at meter rates, provided that the charge shall not be less than the minimum for the type of premise metered.

B. The occupant or owner shall be charged SDC's and installation at the current rate set by ordinance or resolution. Upon installation, all meters shall remain the property of the city and may be removed by the public works department in accordance with the provisions of this chapter.

C. For ordinary metered consumption of water, a three-fourths inch meter will be furnished. Where application for a meter connection larger than three-fourths inch is made, the SDC and rate charges shall be at the current rate set by ordinance or resolution.

D. Meters shall be placed in an accessible location and set in a manner satisfactory to the city manager or designee. Meters may be installed in a meter pit at or near the property line, which pit shall be located and constructed, at the owner's expense, as directed by the city manager or designee and to his/her satisfaction.

E. The owner of the premises where a meter and its enclosing structure is installed will be held responsible for its care and protection from freezing and from injury or interference by any person or persons. In case of injury to the meter, or in case of its stoppage or imperfect operation, the owner of the premises shall give immediate notice to the water department. All water

furnished by the city must pass through the meter. No bypass or connection around the meter shall be permitted. If any meter becomes defective, or fails to register, the consumer will be charged at the average monthly consumption rate as shown by the meter over the period of the preceding twelve months when the meter was accurately registering. The owner shall be solely responsible for damage or injury to persons or property in the event the meter or its enclosing structure shall become damaged or otherwise a hazard to third persons or property. It shall be owners' responsibility to repair or correct a meter installation which becomes hazardous.

F. The accuracy of the meter on any premises will be tested by the water department upon written request of the owner or occupant, who shall pay in advance a fee, set by resolution or ordinance, to cover the cost of the test. If, on such test, the meter shall be found to register over ten percent error, another meter will be substituted therefor, the fee will be refunded to the owner, and the water bill may be adjusted in such manner as may be fair and proper.

G. All new services installed shall include a water meter.

H. After the meters are installed for the use of premises, it is unlawful for any householder or any other user of water supplied by the water department to cause or permit water to run or be discharged through pipes or faucets in any house, building or premise owned, controlled or operated by such householder or other water consumer, except water obtained through said meter. Any premises, lot, building, or structure where water derived from any other source other than a public water main (such as a well, cistern, rain barrel, pond, etc.) shall have a backflow prevention device installed at the meter to prevent any possible backflow into the public water system. Purchase, installation, and testing of such a device shall be at the expense of the property owner. (See also Section 13.04.110, Cross-connection control and backflow prevention.)

I. It is unlawful for any person to cut, alter, change, remove, disconnect or in any manner interfere, meddle or tamper with any pipes or meter in such a manner as to prevent said meter registering all water used upon said premises.

J. Upon failure of any water user to comply with the rules and regulations establishing use of water meters, or otherwise, or to pay water rates or installation charges, the water may be shut off to the offending premises and remain so shut off until all fines, penalties and service charges are paid. (Ord. 879, 2019; Ord. 778, 2006; Ord. 724 \$1, 2002; Ord. 430 \$1, 1981; Ord. 400 \$1, 1980; Ord. 379 \$4, 1978)

13.04.060 Use of water. A. When new service pipes are put into any premises, the service cock or gate valve shall be left closed and will thereafter be opened only by an authorized employee of the water department and only upon the request of the owner or his agent; provided, however, that a person authorized by the Oregon Plumbing Specialty Code may open and close a service cock to test his work, as provided in Section 13.04.040(E).

B. In case a permit is issued as provided in Section 13.04.040(F) and a water meter has been installed for the temporary use of water, the owner shall notify the water department upon the completion of his work so that the water meters may be read, and the connection shut off.

C. Where a building originally constructed as a single unit and fitted with one service pipe is thereafter subdivided, or when a parcel of property is so subdivided, by sale or otherwise, each parcel or premise as created must obtain a separate service pipe within thirty days or upon occupancy after such division; provided, however, one service may be permitted in the case of a fee simple tax lot containing multi-family dwellings, residential courts, combined office or business building, manufactured home parks, or trailer courts.

D. No person shall take or use city water from premises other than his own, and no person shall sell or give away water from his own premises for any purpose. No connection through which water may pass from one property to another shall be constructed, though the ownership of both properties may be the same.

E. Where the water has been turned off by the water department for any reason, no person or persons, except authorized employees or agents of the department, may turn it on again. Whenever this rule is violated, a penalty of three times the then-minimum monthly water charge shall be assessed and paid before service is restored. Each time the user turns on the water after being shut off by the department shall be deemed a separate violation and subject to the above penalty. Such penalty is in addition to any other penalty provided by law.

F. No steam boiler or hot water heater shall be directly connected to the service pipe. The owner shall make such provisions, including safety valves, as may be required by the State of Oregon Uniform Plumbing Code and the building official before the water may be supplied to such an installation.

G. The city manager or designee, or any of their authorized agents shall have free access at all reasonable hours to inspect any premises supplied with water. No person shall refuse to admit authorized agents of the City of Scappoose to any premises for such purpose. In case any authorized employee is refused admittance, or is, in any way, hindered in making the necessary inspection or examination, the water may be turned off from such premises after giving twenty-four hours' notice to the owner or occupant thereof.

H. Where pipes are provided for fire protection on any premise or where hose connections for fire apparatus are provided, each such connection or opening of the service pipes shall have not less than twenty-five feet of fire hose constantly attached thereto, and no water shall be taken through such opening or hose for any purpose other than for extinguishing fires, except for the purpose of testing such fire equipment. No such test of fire equipment may be conducted except by the fire department, unless a special permit is first secured from the public works department.

I. Fire hydrants may be opened and used only by the water and fire departments of the city or by such persons as may be specifically authorized by the water department. No person, firm or corporation shall in any manner obstruct or prevent free access to any fire hydrant by placing or storing temporarily or otherwise any object or material of any kind within ten feet of the same.

J. Water supplied through either water department or authorized private mains to consumers outside the corporate limits of the city shall be guaranteed on a day-to-day basis only. Such supply may be

discontinued upon three days' notice. Any rates paid in advance or for unused water shall be equitably refunded in case the water supply is discontinued.

K. Where water service pressure exceeds levels permitted under the Oregon Plumbing Specialty Code, property owners shall install and maintain pressure reducing valves meeting the requirements of the Oregon Plumbing Specialty Code. (Ord. 879, 2019; Ord. 748 \$1, 2004; Ord. 724 \$1, 2002; Ord. 379 \$5, 1978)

13.04.070 Water rates. A. Establishment of Credit. At the time application for service is made, the applicant shall establish credit with the water department. The credit of the applicant will be deemed established:

1. If the applicant makes a cash deposit with the water department to secure payment of bills for service;

2. If the applicant has previously had water service in the city and the bills rendered for that service during the last twelve months it was provided were paid promptly, without additional collection efforts being required.

B. Deposits.

1. At the time the deposit is given to the water department, the applicant will be given a receipt for the deposit. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess will be refunded. The water department will not pay interest on any deposit;

2. The deposit or balance of deposit shall be refunded to applicant when water service to applicant is terminated;

3. At any time a customer becomes delinquent and his water is shut off for that reason, customer shall permanently reestablish his credit per subsection A of this section prior to resumption of water service after all delinquencies and penalties have been paid.

C. Deposit Refunds. Deposits will be refunded after twelve months without delinquent payments. The customer can request the refund to be returned to the depositor on the anniversary date of the deposit following the twelve-month prompt payment period defined in subsection (A)(2) of this section. At any time, a customer becomes delinquent and his water is shut off for that reason, customer shall reestablish his credit per subsection A of this section prior to resumption of water service after all delinquencies and penalties have been paid.

D. Special Assessments. No provisions in this chapter shall be deemed to prevent city from collecting a special assessment against the property. All unpaid water bills, penalties and charges are declared to be a lien against the real property served and the lien shall be enforced and collected in accordance with the procedures for collecting any city assessments as are set forth in city ordinances or the statutes of the state then in effect for the enforcement and collection of city assessment liens.

E. Unclaimed Deposits. Any deposit shall be deemed security for the payment of any water charge of the depositor. In the event service is terminated, then the deposit or the balance thereof, after application to any unpaid water bill, shall be returned. Within sixty days after service is terminated for reasons other than a turn-off as a result of a delinquent bill and deposit has not been claimed,

notice of deposit will be mailed to the depositor. In the event that the notice is returned after being addressed to the last known address, the city shall transfer the remaining balance to the water fund within sixty days.

F. Temporary Vacancies. In the case of temporary vacancy of any premises, water will be turned off at the service cock by the department upon written request of the owner of the premises addressed to the water department and will be turned on again when requested. The minimum charge shall be made for any period in which such vacancy occurs.

G. Interest on Unpaid Bills. Interest at the rate of one percent per month per annum shall be added to all delinquent water bills in excess of five hundred dollars, beginning the thirty-second day after the bill is due and payable. This also applies to water bills for customers where the city is unable for legal or health reasons to terminate the water service. (Ord. 879, 2019; Ord. 724 \$1, 2002; Ord. 603 \$2, 1993; Ord. 593 \$2(part), 1993; Ord. 532 \$1, 1987; Ord. 508 \$1, 1986; Ord. 483 \$7(B), 1984; Ord. 472 \$\$1, 2, 1983; Ord. 379 \$6, 1978)

13.04.080 Notification of shutoff. Should it become necessary to shut off the water from any section of the city because of any accident or for the purpose of making repairs or extensions, the water department will endeavor to give timely notice to the consumers affected thereby and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such causes; but the failure to give such notice shall not render the city responsible or liable in damages for any inconvenience, injury, or loss which may result there from. (Ord. 724 \$1, 2002; Ord. 379 \$7 (part), 1978)

13.04.090 Compliance with other regulations. All rules, regulations, and requirements of the State Board of Health, of the State of Oregon State Plumbing Code and the United States Environmental Protection Agency shall apply to the water department of the city. (Ord. 379 \$7 (part), 1978)

13.04.100 Obstruction or contamination of water supply system unlawful. It is unlawful for any person to do any act, or to throw, place, or deposit any article or substance in or near the city water supply system, whereby the water therein may be obstructed or rendered impure. (Ord. 379 \$7(part), 1978)

13.04.110 Cross-connection control and backflow prevention.

A. Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this section is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the Oregon Administrative Rules (OAR) 333-061-0070 to OAR 333-061- 0074, or the current Edition of the Manual of Cross Connection Control published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California.

"Approved backflow prevention assembly" (or any abbreviated version thereof) means an assembly designed to counteract back-pressure and/or prevent back-siphonage as approved by the Oregon Department of Human Services-Health Services.

"Auxiliary supply" means any water source or system other than the city water system.

"Backflow" means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases or substances into the city's water system.

"Certified backflow assembly tester" means a person who has successfully completed all requirements as established by the Department of Human Services-Health Services to test backflow assemblies in the state of Oregon.

"Certified cross connection specialist" means a person who has successfully completed all requirements as established by the Department of Human Services-Health Services to survey and inspect cross connection devices in the state of Oregon.

"City water system" means the city of Scappoose 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 the operation of the system and to supply water service to an individual property or premises and shall include the city's potable water with which the system is supplied.

"Contamination" means the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

"Cross connection" means any physical arrangement where a potable water supply is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers or any other device which contains, or may contain, contaminated water, sewage or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices or other temporary or permanent devices through which, or because of which, backflow may occur, are considered to be cross connections.

"Degree of hazard" means the non-health hazard, health hazard or high hazard classification that shall be assigned to all actual or potential cross connections.

"DOHS" means Oregon Department of Human Services-Health Services.

"Double check valve backflow prevention assembly" (or any abbreviated version thereof) means an assembly which consists of two independently-operating check valves which are spring-loaded or weighted. The assembly comes complete with a resilient seated shut-off valve on each side of the checks, as well as test cocks to test the checks for tightness.

"Health hazard" means an actual or potential threat of contamination of a physical, chemical or biological nature to the public potable water system or the consumer's potable water system that would be a danger to health.

"Mobile unit" means a temporary unit connected to the water system through a hydrant, hose bib or other permanent appurtenance that is part of the city water system or a permanent water service to a premises. Examples can include, but not be limited to the following-water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste or septage hauler's trucks or units, sewer cleaning equipment, carpet or steam cleaning equipment for 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 city water system. Uses that are excluded from this definition are recreational vehicles at assigned sites or parked in accordance with city regulations pertaining to recreational vehicles and homeowner devices that are used by the property owner in accordance with this section, or other city regulation pertaining to provision of water service to a premises.

"Non-health hazard" means the classification assigned to an actual or potential cross connection that could allow a substance that may be objectionable, but not hazardous to one's health, to backflow into the potable water supply.

"Point of use isolation" means the appropriate backflow prevention within the consumer's water system at or near the point at which the actual or potential cross connection exists.

"Pollution hazard" means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system, but which would not constitute a health or system hazard, as defined. The maximum intensity of pollution to which the potable water system could be degraded under this definition would cause minor damage to the system or its appurtenances.

"Premises" means any piece of property to which water service is provided, including but not limited to all improvements, mobile structures and other structures located upon it.

"Premises isolation" means the appropriate backflow prevention at the service connection between the public water system and the premises. This location will be at or near the property line and downstream from the service connection meter.

"Reduced pressure principle backflow prevention assembly" (or any abbreviated version thereof) means 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.

"Resident" means a person or persons living within the area(s) served by the city water system.

"Retrofitting" means to furnish a service connection with parts or equipment made available after the time of construction or assembly installation.

"Submerged heads" means irrigation sprinkling or delivery devices that are located below the surface of the landscaped area in which they are installed.

"Thermal expansion" means the pressure created by the expansion of heated water.

B. Purpose. The purpose of this section is to protect the city's water supply and distribution system from contamination or pollution due to any existing or potential cross connections and to comply with the Oregon Administrative Rules 333-061-0070 to 333-061-0074.

C. Application and Responsibilities. The regulations set forth in this section apply throughout the city to every owner, occupant or person in control of any premises or property served by the city water system, regardless of date of connection to the city water system.

D. Cross Connections Regulated.

1. No cross connection shall be created, installed, used or maintained within the area(s) served by the city water system, except in accordance with this section.

2. The city manager or designee shall carry out or cause inspections to be carried out to determine if any actual or potential cross connection exists. If found necessary, an assembly commensurate with the degree of hazard will be installed at the service connection.

3. The owner, occupant or person in control of any given premises shall be responsible for all cross connection control within the premises.

4. All premises found on Table 42 of OAR 333-061-0070 shall install a reduced pressure assembly at the service connection.

E. Backflow Prevention Assembly Requirements. A certified cross connection inspector employed by or under contract with the city shall determine the type of backflow assembly to be installed within the city's water system. Every assembly shall be installed at the service connection unless it is determined by the inspector and approved by the city manager or designee, that it should be installed at the point of use. An approved assembly shall be required in each of the following circumstances, but the inspector may require an assembly under other circumstances:

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

2. When internal cross connections are present that are not correctable.

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

4. When the premises has a repeated history of cross connections being established or re-established.

5. 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.

6. When an appropriate cross connection inspection report form has not been filed with the city manager or designee.

7. If a point-of-use assembly has not been tested or repaired as required by this section, the installation of a reduced pressure principle assembly will be required at the service connection.

8. When there is a premises with an auxiliary water supply which is or can be connected to the city water service or supply

system, a reduced pressure backflow assembly will be required. The city will immediately discontinue water service to any premises or customer where such a condition occurs until such time as the cross connection is eliminated or the required backflow prevention assembly is installed. Customers using the city's water supply and any other water supply at the same premises shall install and maintain a separate plumbing system for the city's water supply, which shall be separated by an air gap of not less than one foot from any other supply, unless such reduced pressure principle backflow assembly is installed and maintained at the meter for the premises.

9. The city manager, or designee, shall make the final determination on the type of device needed when there is a disagreement between a cross connection specialist and the owner, occupant or person in control of the premises.

F. New Construction. Where possible, a plan check shall be made prior to construction to determine the degree of hazard and the class of backflow prevention device, if any, required at the point of delivery from the public water system to the premises. Where adequate plans and specifications are not available, and no realistic evaluation of the proposed water uses can be determined, the applicant, customer, architect, engineer or other authorized person shall be advised that eventually circumstances may require the installation of maximum backflow protection at the water service connection.

G. Retrofitting. Retrofitting shall be required at all service connections where an actual or potential cross connection exists, and wherever else the city deems retrofitting necessary to comply with state law and this section.

H. Landscape Irrigation Systems. All landscape irrigation systems shall be protected according to plumbing code regulations. In the event any system is equipped with an injector system, a reduced pressure principle assembly will be required.

I. Thermal Expansion. 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, if a closed system has been created by the installation of a backflow prevention assembly, or other appurtenances.

J. Mobile Units. Any mobile unit or apparatus as defined in subsection A. of this section, which uses the water from any premises within the city water system shall first obtain a permit from the city and be inspected to assure an approved air gap or reduced pressure principle assembly is installed on the unit.

K. Installation Requirements and Pressure Loss. All backflow prevention assembly installations shall follow the requirements as stipulated by OAR 333-061-0070. The type of backflow prevention assembly required shall be commensurate with the degree of hazard that exists and must, at all times, meet the standards of the Department of Human Services-Health Services. All backflow prevention assemblies required under this section shall be of a type and model approved by the DOHS. Any decrease in water pressure caused by the installation of a backflow assembly shall not be the responsibility of the city.

L. Fire Systems. An approved double check detector assembly shall be the minimum protection on fire sprinkler systems using piping material that is not approved for potable water use and/or does not provide for periodic flow through during each 24 hour period. A reduced pressure principle detector assembly must be installed if any solution other than the potable water can be introduced into the fire sprinkler system.

M. Plumbing Code. As a condition of water service, customers shall install, maintain and operate their piping and plumbing systems in accordance with the Oregon Plumbing Specialty Code ("Plumbing Code"). If there is a conflict between this section and the Plumbing Code, the city manager or designee, will determine which shall provide the most appropriate protection of the city water system.

N. Access Allowed. Authorized personnel of the city, with proper identification and sufficient notice, shall have access during reasonable hours to all parts of a premises and within the structure to which water is supplied. However, if any owner, occupant or person in control refuses authorized personnel access to a premises, or to the interior of a structure, during these hours for inspection, a reduced pressure principle assembly must be installed at the service connection to that premises.

O. Assembly Permits. When it is found that a customer needs a backflow prevention assembly, the city will issue a permit for such an assembly. This permit will identify the type, size, model, etc., of the backflow prevention assembly and also assign each an assembly number. This number and permit will enable the city to ensure that testing and other requirements of this section are met. The permit number should be used in all correspondence in reference to each installation to eliminate confusion of devices.

P. Annual Testing and Repairs. All backflow assemblies installed within the area served by the city shall be tested immediately upon installation, and at least annually thereafter by a certified backflow assembly tester. All assemblies found not functioning properly shall be promptly repaired or replaced at the expense of the owner, occupant or person in control of the premises. In the event an assembly is moved, repaired or replaced, it must be retested immediately. If any such assembly is not promptly repaired or replaced, the city shall deny or discontinue water service to the premises. It is the responsibility of the persons who own the assembly to have the assembly tested by a certified backflow assembly tester as required.

Q. Responsibilities of Backflow Prevention Assembly Testers.

1. All backflow assembly testers operating within the city water system service area shall be certified in accordance with all applicable regulations of the DOHS.

2. Persons certified as backflow assembly testers shall agree to abide by all requirements of the United States Occupational Safety and Health Administration (OSHA) and the Oregon Occupational Safety and Health Administration (OR-OSHA); and have completed confined space entry training to enter any confined spaces within the city.

3. It is the responsibility of the backflow assembly tester to submit records of all backflow assembly test repairs to the city within ten days of completing the test.

R. Costs of Compliance. All costs associated with the purchase, installation, inspection, testing, replacement, maintenance, parts and repairs of backflow prevention assemblies, and all costs associated with enforcements of this section, are the financial responsibility of the owner, occupant or other person in control of the premises.

S. Termination of Service. Failure on the part of any owner, occupant or person in control of the premises to install a required assembly, have it tested annually and/or to discontinue the use of all cross connections and to physically separate cross connections in accordance with this section shall serve as sufficient cause for the discontinuance of city water service to the premises pursuant to Oregon Administrative Rule Chapter 333.061.0070. In the case of an extreme emergency or where an immediate threat to life or public health is found to exist, discontinuance or termination of city water service to the premises shall cease immediately.

T. Appeal Process.

1. Any property owner or service customer who receives a notice of possible termination of water service due to noncompliance with cross-connection requirements may appeal the notice to the city manager. Such appeal must be filed in writing, fully explaining the basis for the appeal within thirty days after the date of such notice and be accompanied by an appeal filing and processing fee as set by council resolution. The appeal fee shall be refunded if the city manager revokes the notice.

2. The city manager shall fix the time and place of the hearing on a date no more than thirty days after the city manager's receipt of the written appeal. The city manager shall give the appellant, and any other persons requesting the same, at least five day's notice of the time and place of such hearing.

3. After reviewing the appeal, at the time and place set for the hearing, the city manager shall give the appellant, and any other interested party, a reasonable opportunity to be heard. In all such cases, the burden of proof shall be upon the appellant. During the hearing, new evidence may be presented to and considered by the city manager. The city manager may also receive such evidence from city staff as the city manager deems appropriate. The hearing shall be informal and follow such procedures as the city manager deems appropriate to resolve the questions presented by the appeal.

4. Within fifteen days of the date of the hearing, the city manager shall issue a written decision which contains findings of fact and a determination of the issues presented. The city manager shall uphold, or modify and uphold the notice as issued, or revoke the notice and render a new decision on the matter consistent with the requirements of this section. If the notice is upheld, the city shall not terminate the appellant's water service any sooner than fifteen calendar days following the city manager's decision. The city manager's decision shall be final.

U. Suspension of Service.

1. Emergency Suspension. The city manager or designee, may, without prior notice, suspend water service to any premises when such suspension is necessary to stop the imminent threat of any actual or potential cross connections as defined in this section.

2. Non-Emergency Suspension. The city manager or designee, may suspend, with thirty days notice, the water supply to any premises where the conditions of this section have been violated. (Ord. 879, 2019; Ord. 798 §1, 2008; Ord. 724 §1, 2002; Ord. 399, 1980)

13.04.120 Violation--Penalty. Each person convicted of a violation of this chapter shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars, or imprisonment in the county jail for not more than thirty days. (Ord. 379 §10, 1978)