

ORDINANCE NO. 679

AN ORDINANCE ESTABLISHING WATER REGULATIONS AND REPEALING ORDINANCE 401

The city of Aumsville, Oregon, ordains as follows:

ARTICLE 1

Monthly Water Rates

Section 1. Minimum Monthly Charge and Consumption Charge. The minimum monthly charge and consumption charge for use of water from the water system of the city of Aumsville for users thereof shall be established by a resolution of Council adopted each year based on the following parameters:

- (A) The water rate resolution shall establish water rates in amounts necessary to adequately fund the administration, existing debt, planning, design, construction, operation, maintenance, and repair of the City's water system. The rate shall be based on single use and multiple use meter size(s); location, (i.e., within and without city limits); base usage; charges for use/consumption beyond base usage amounts; and volume factor meter multipliers for commercial, industrial, public agency, and non-profit organization single-user meters.
- (B) Domestic Rates. The water rate resolution shall establish a minimum monthly charge for use or withdrawal of water by domestic single user meters residing within the city limits using the base usage number as the same is established in the water rate resolution.
 - 1. The consumption charge for water used by domestic single user meters exceeding the base allowed amount reflected in the minimum monthly charge may be charged an additional sum established in the water rate resolution for each 1,000 gallons (or part thereof) over the initial base allowed amount. If water consumption during the month exceeds the allowed gallons per dwelling unit, occupant upon which the users are located shall be responsible for any additional charges.
 - 2. In the annual water rate resolution, the monthly charge and consumption charge will increase upon determination that they are necessary to provide for the system expenses.
 - 3. Commercial, Industrial, Public Agency, and Non-Profit Organization Rates. The water rate resolution shall establish water rates for commercial, industrial, schools, churches, public agency, non-profit organizations, and similar users. In the annual water rate resolution, the monthly charge and consumption charge may increase upon determination that they are necessary to provide for the system expenses.
- (C) Tank or Container Users. The City may approve filling a tank or container with water from a designated fire hydrant for use within the city unless authorized by Council.

The Aumsville fire authority are exempt from this section as long as they have a contractual agreement with the city of Aumsville.

1. The tank or container shall first pass a safety inspection by public works staff and be equipped with a backflow protection assembly.
2. The approved user will be issued a fire hydrant water meter with the initial meter reading taken at city hall prior to issuance and instructed to use the hydrant located on the corner of Church and 5th Streets, or as approved by the public works director. It shall be the responsibility of the user to return the hydrant meter on a daily basis.
3. The minimum monthly charge for use or withdrawal of water by users as registered on the hydrant meter for use within or outside the City's corporate limits shall be established in the annual water rate resolution.

ARTICLE 2

Connection to the Water System

Section 1. Property Owner and Customer Responsibility.

- (A) No person shall attempt to or make connection with a City main or connect any pipe after it has been disconnected by the City, without first obtaining a permit from the City.
- (C) The service connection between the City's water lines and a user's service, regardless of its location on public or private property, is and remains the property of the City which reserves the right to repair, maintain, and replace it as the City deems appropriate.
- (D) The service line between the meter and the residence shall have a separate shutoff valve between said meter and the residence.
- (E) The location of the point of connection between the City's water system and a user thereof is determined by the City.
- (F) All expenses (including reimbursement fees) associated with connection(s) between the City's water system and property wishing to be served thereby along with all costs for the purchase and installation of any and all necessary flow metering systems for the property are the responsibility of the property owner.
- (G) The City's responsibility ends at the customer's side of the water meter.
- (H) Disconnection of Water Service. No disconnection of water service is allowed except for emergency situations approved by the city administrator.

Section 2. Application Required.

- (A) An applicant for water service from the City shall complete an application form provided by the City. The application is a written request for water service and does not bind the City to provide said service.
- (B) The City may refuse to furnish and/or discontinue water to property being served by the City where, in the judgment of the City's public works director, apparatus,

appliance(s), or equipment on said property may be used in violation of federal, state, or local law, is dangerous or otherwise unsafe.

- (C) If an applicant for water service has outstanding charges at another service address in the City, the City may refuse to provide service until the unpaid charges are paid in full or the City authorizes the transfer of the unpaid balance to the applicant's new utility service account.
- (D) In the event an applicant for City water service is not the owner of the property to be served, the City may, prior to water service being provided to the property, require the owner to agree in writing to be responsible for any and all charges incurred for water service to the property.

Section 3. Private Wells. No owner of real property upon which a water well is located shall permit any existing well or fixture thereto be connected directly or otherwise to the City's water system or be located in a manner such that well water might enter the City's water system. The City may require, by and through its public works director the installation by the property owner to install and thereafter maintain at their cost a backflow assembly/device and/or such other equipment as the public works director deems appropriate to prevent any contamination of the City's water supply.

Section 4. Private Booster Pumps Prohibited. No booster pumps may be installed by any person increasing water pressure or delivery to a premises without the written permission of the public works director.

Hookup of Property Outside City Limits

Section 5. Outside City Limits Application Requirement. An owner of property located outside the City's corporate limits wishing to have the City supply water to the property shall first make written application to Council for such services. The applicant shall show:

- (A) That the proposed connection is compatible with projected future growth of the City and that the property is within the City's urban growth boundary;
- (B) That the proposed connection will not burden the City's ability to provide water service to the citizens of Aumsville nor will it adversely affect water availability, flows, volumes, and infrastructure capacity beyond that identified in the City's water system master plan; .
- (C) That the applicant has or will obtained all necessary licenses, permits, and easements to connect to the City's water system; and .
- (D) That the proposed line connecting the property to the City's system meets or exceeds City specifications for said connecting line.

Section 6. Approval of the Outside City Limits Application. Regardless if an applicant is able to satisfy the requirements set forth in Section 5 above, approval of the connection remains in sole discretion of Council. The owner shall be required to sign

a waiver of remonstrance against annexation to the City in a form approved by the city attorney prior to water services being provided to the property.

Section 7. Outside City Limits Applicant Responsibilities. Upon approval of the application the following are the responsibility of the owner:

- (A) All construction and costs associated with the installation of the line or lines from the owner's property to and including the connection to the City's main line.
- (B) That the connection be a single hookup and serve only one household or business.
- (C) Maintenance and repair of the connection line from the property to and including connection to the City's main line shall be the sole and exclusive responsibility of the property owner to be served.
- (D) All lines that are to be connected to the City system shall be approved and inspected by the public works department prior to connection.
- (E) All costs of water meter and accessories necessary for the installation of a water meter shall be the sole responsibility of the property owner.
- (F) The water systems development charge is paid before water is provided by the City.

Section 8. Hookup Not Directly Adjacent to City Limits. Council, in its sole discretion, may allow a hookup to the City's water system by property not directly adjacent to the then existing city limits. If application is made for such property by its owner, the City may impose additional criteria including but not limited to requiring the property owner construct a connecting line sufficient to serve other prospective users that may hook up to the city water system at a later date, with such construction subject to a reimbursement district agreement

Section 9. Maintenance of Lines Outside City Limits. If for any reason the City make repairs to non-City owned connecting lines located outside the City, the owner(s) of the affected property shall be responsible for the costs thereof plus 25% and shall pay said amount within 30 days of being presented a bill by the City. Any bill not paid after 30 days shall automatically become an assessment lien upon said property and may be enforced pursuant to existing state law and city ordinance.

General Requirements

Section 10. Water Meters and Meter Clear Area.

- (A) No person may store or maintain any item, material, or refuse, or install equipment over, under, or within two (2) feet of a water meter.
- (B) No person may permit shrubs or other landscaping to obstruct the reading of any water meter. Any obstruction may be trimmed or removed by the City and the owner charged the cost thereof.
- (C) No person may park a motor vehicle so as to obstruct or prevent access to any water meter.

- (D) A safe passageway to the water meter shall be maintained to allow City personnel to enter upon property or into a building to read a water meter or work on a water service connection.
- (E) Water Meters: Use Required
 - 1. Exception as provided below, each single-family structure and each dwelling unit in either a two- or three-family dwelling and each non-residential establishment shall have a separate water service line and meter, provided that if circumstances of construction render metering of individual service impractical, the public works director may waive or adjust said requirements.
 - 2. Service to more than one user, or multiple meters for the same user, shall not be combined to obtain a more favorable water rate.
 - 3. Each structure containing more than (3) residential dwelling units or (3) non-residential establishments will be served with a single meter for the entire building or by a separate water service line and meter for each unit.
 - 4. Each meter shall be located in the public right-of-way or public utility easement consistent with the City's Public Works Standards.

Section 11. Damage to System.

- (A) A customer is responsible for and cause to be repaired damages to the City's water system resulting from act(s) of the customer, persons, or things subject to the customer's control including users, tenants, or agents thereof. Damages include (but are not limited to) breaking or destruction of seals on or near a water meter, breaking or destruction of locks, removing the first fitting on the downstream side of a metering device, damage resulting from electrical grounding to cold water pipes, or damage to a water meter by steam from a boiler or heater on the customer's property as well as breaking or destruction of a water meter or its enclosure by a motor vehicle. The customer shall take such actions as are necessary to promptly cause the repair and/or replacement of the damage caused and pay any and all costs associated therewith.
- (B) The City may opt to repair the damaged portions of the water system and if it does so, charge the cost for said repairs to the owner of the property served. The City shall be reimbursed by the customer for such damage promptly on presentation of a bill.
- (C) Failure to pay costs for damages may be made an assessment lien against the property.
- (D) No unauthorized person shall break, damage, destroy, uncover, deface, or tamper with any water system structure, appurtenance, or equipment.
- (E) Contamination:
 - 1. It shall be unlawful for any person to in any way contaminate or pollute the water in the reservoirs or pipes of the municipal water system or in any fountain, hydrant, or source or place of storage of the water supply of the City or any of its inhabitants.
 - 2. It shall be unlawful to any person to throw any rubbish, debris, or any other thing into any water reservoir belonging to the City.

Section 12. Apparatus on Customer's Property. The City does not assume liability for inspecting apparatus on the customer's property. The City, upon 24 hours' notice to the occupant of the property, has the right of inspection; however, if there is reason to believe that unsafe or illegal apparatus is in use, the City has the ability to immediately inspect.

Section 13. Access to Premises.

- (A) City employees have access, upon proper identification, to all premises where city water is being used to ascertain that no hazard to the public water supply exists or that water is being used in a manner contrary to this ordinance. Such access shall be during City business hours with 24 hours' notice, unless otherwise arranged with customer, and shall not interfere with the customer's normal use of his premises.
- (B) Applications for water service will include a statement, signed by the property owner stating access to inspect plumbing both inside and outside the structure is granted to the City in perpetuity and that this granting of authority passes with ownership of the property, failure to allow access will result in immediate termination of service.

Section 14. Resale of Water Prohibited. Except in manufactured home parks or by special arrangements with the City, no customer shall resell water received by such customer from the city, nor shall water be delivered to premises other than those specified in the application for service. Any agreement to resell water is at the sole discretion of the City to approve.

Section 15. Illegal Taps Prohibited. All unauthorized taps on the city water system shall be designated illegal taps. Such taps are subject to immediate removal by the City and are a violation subject to the provisions of Article 10 of this ordinance.

Section 16. Interruption of Service, Notification. Wherever practicable, customers will be notified in advance of any planned interruption of service or shutdown of mains for repair or alterations. The City assumes no responsibility for providing uninterrupted water service and will not be liable for damages resulting from such interruptions.

Section 17. Abandonment of Service Lines and Water Mains. The public works director may cause the removal or abandonment of any unused service lines when its further need is not apparent and when in his or her judgment removal is appropriate to reduce leakage or future maintenance responsibility. Subsequent service to the property shall be treated as a new service.

Section 18. Installation of Temporary Water Pump Stations.

- (A) In certain instances where, in the judgment of the public works director, it is not practicable to provide adequate water flows to any area through the use of traditional water service methods, the City may, at the option of the public works

director, elect to serve said area through the installation and operation of a temporary water pump station by the City.

- (B) As used in Subsection 1, unless the context otherwise requires, a 'temporary water pump station,' or 'temporary pump station' shall mean any self-contained pump station designed, constructed, and installed with the intent of future relocation.

ARTICLE 3

Frequency of Reading Water Meters

Section 1. Designated Months Defined. The reading of water meters of the City shall take place monthly.

ARTICLE 4

Customer's Deposit Fee

Section 1. Fees Set for Inside and Outside City Limits. The water service deposit fee shall be established by resolution. The fee for customer water and sewer deposit outside the corporate limits of the City shall be double the fee for customers residing within the city limits.

Section 2. Refund Procedures. After deductions for City water services used, the water deposit fee shall be refunded:

- (A) Upon discontinuation of water service to a premises ;
- (B) To property owner/users connected to the water system after water service bills have been timely paid for 12 consecutive months;
- (C) To renters of property connected to the water system upon vacation of the rented premises.

ARTICLE 5

Senior Citizen Water Rates

Section 1. Reduced Rate and Qualifications. Council finds that citizens sixty-five years of age or over, that are retired and acting as the head of a household, are generally on a fixed income and use a minimal amount of water. Therefore, any retired citizen sixty-five years of age or over, residing within the limits of Aumsville and acting as the head of household shall be charged the following water rates:

- (A) A minimum monthly charge for use or withdrawal of not more than 7,000 gallons of water during the month according to the user's water meter
- (B) Monthly base rates and consumption charges for water in excess of 7,000 gallons during the month as shown by the water meter shall be set by Council in yearly rate resolution.

(C) Water deposit fee charged, if any shall be set by resolution.

Section 2. Application Required. Application for the reduced rates described in Article 5, Section 1 above, must be filed at city hall and approved by the city administrator. All information required to be given on the form shall be verified by the applicant as being true to the best of their knowledge.

Section 3. Termination of Rate Reduction. Reduced senior water rates for customers shall be terminated by the city administrator in the event of the occurrence of any of the following circumstances:

- (A) Applicant moves from the dwelling;
- (B) Applicant, if an owner, sells, trades, or otherwise relinquishes ownership of the dwelling;
- (C) Applicant fails to comply with any rule, standard, or regulation adopted under this article; refuses to provide information to or hinders any investigation by the city administrator into the continued eligibility of the applicant for reduced rates; willfully makes any false or misleading statement in order to obtain or retain a rate reduction; or receives benefits under this article with knowledge that he or she does not qualify for such benefits.

ARTICLE 6

Payment of Water Billings

Section 1. Responsible Party (Customer).

- (A) All water service provided by the City will be billed to and the responsibility of the occupant of the premises where service is provided unless the property owner or Customer requests, in writing, that the bill be sent to another address.
- (B) Where more than a single dwelling unit or business is served by a single water meter, the bill for water service shall be sent to the premise's owner, who shall be responsible party for payment thereof.

Section 2. Assessments Due.

- (A) Charges for municipal water services are due when the City requests payment by mailing a bill to a customer.
- (B) Charges assessed for municipal water services provided by the City shall become delinquent if not paid within 10 days of the City request for payment as set forth in this ordinance section.

Section 3. Shut Off; Right of Appeal; Hearing.

- (A) In the event a city water bill becomes delinquent, the City shall send written notice to the customer setting forth a date certain for the water shut off by first class mail to the customer and shall not be less than 4 business days from the shut off date. The City shall also post a copy of the shut off notice on or at the premises being served 48 hours before disconnection. The notices shall inform the customer and

other affected person(s) of the right to appeal any proposed shut off of the City's water service prior to the termination.

(B) In the event, the Customer and/or person(s) affected by the proposed shut off wishes to challenge the proposed water shut off as illegal or otherwise improper, they must file a written appeal with the city administrator at least one day prior to the shut off date identified in the City's notice. The appeal must include the following information:

1. The date of the notice of appeal;
2. The name of the person filing the appeal;
3. The address of the premises where the shut off is to take place;
4. A telephone number, email address, and physical address where the person(s) filing the appeal may be contacted by the City;
5. A short statement setting out the reasons why the person(s) filing the appeal believe the water shut off is illegal or otherwise improper.

Once an appeal is filed by a customer or other affected person with the city administrator, the water shut off shall be suspended so that the hearing on the appeal can occur and may be extended for such further time as the city administrator otherwise deems necessary or appropriate.

(D) Once the appeal is filed, the city administrator shall within two (2) business days cause there to be scheduled a hearing date, which date shall be no more than ten (10) business days after the appeal's filing. The person(s) filing the appeal will be notified thereof by email, regular mail, telephonically, or any combination thereof reasonably calculated to give the customer or other person filing the appeal notice of the hearing date. The hearing may be rescheduled by the city administrator for good cause.

(E) The hearing on the appeal shall be conducted by the city administrator (or designate). The customer and/or affected person filing the appeal shall explain why they believe the shut off is illegal or otherwise improper and the city administrator (or designate) shall either approve or reject the appeal, and if they deem appropriate prepare a written decision on the matter.

Section 5. Unauthorized Reconnection Prohibited. No person, other than an authorized city representative, shall turn on a water service connection which had been turned off by the City. The property owner is responsible for any unauthorized reconnection. A violation of this section results in a fee of \$500.00

Section 6. Meter Error. A customer may request the City test the meter serving their premises. In such an event:

- (A) The customer shall deposit an amount to cover the reasonable cost of the test, as set by resolution of Council. This deposit will not be returned if the meter is found to register less than 3% fast.
- (B) The customer or their representative shall have the right to be present when the test is made, and a customer who requests a meter test will be notified not less than two days in advance of the time and place of the tests.
- (C) A written report giving the results of the test shall be available to the customer

within 10 days after completion of the test.

- (D) When, upon testing, a meter is found to be registering more than 3% fast under conditions of normal operation the City shall refund the customer the full amount of the overcharge based on corrected meter reading for a period not to exceed three months.

Section 7. Hardship. In cases of hardship, the city administrator or designee shall have discretion to decide not to discontinue or renew services to a delinquent account upon acceptance of a customer signed payment plan for past due amounts. The accepted payment plan shall serve as the automatic shut off notice provided for in Section 3 above.

Section 8. Appeal of Council.

- (A) A customer or other person having filed an appeal with the city administrator under Section Article 6, Section 3 above may appeal the decision or result thereof to Council.
- (B) To file a notice of appeal the customer or other person affected must post with the City, monies in the amount of the bill being appealed.
- (C) If Council finds that the bill was incorrect, the bill shall be adjusted and the difference between the adjusted bill and the monies posted shall be returned to the customer.
- (D) All appeals must be filed within 30 days from the time the monies are posted to appeal a notice to disconnect.

Section 9. Adjustment of Accounts. Customer accounts shall be adjusted for any of the following circumstances:

- (A) Accounts receiving less than one month of service will be billed on a pro rata basis according to meter size.
- (B) When, upon tests, a meter is found to be registering more than three percent fast under conditions of normal operations, the City shall refund to the customer the full amount of the overcharge, based on corrected meter readings for a period not exceeding two months.
- (C) The City may bill the customer for water consumed while the meter is not registering. The bill shall be at the minimum monthly meter rate.
- (D) The city administrator may adjust a customer's utility billing to reduce charges resulting from a verified leak when:
 - 1. The customer notifies the City of the leak;
 - 2. The customer makes a reasonable effort to locate the leak and initiates repairs within 30 days of discovering the leak;
 - 3. The City verifies a leak exists, and the leak was caused by either a broken pipe or pipe connection;
 - 4. The customer (or a contractor hired by the customer) fully repairs the leak within 30 days of notice to the City of the leak; and

5. The customer provides proof of the fixed leak to the City on a form and manner as prescribed by the finance department, including, but not limited to, receipts and other verification of repairs or costs.
- (E) If the City determines the customer meets the conditions in subsection (D) of this section, the City will adjust the billing by reducing the affected monthly usage by **50% of the excess over the user's normal amount**. Adjustments to the bill may not exceed 90 days from the date before the customer fixes the leak.
- (F) Faulty valves or similar devices (for example but not limited to: toilets, faucets, or irrigation systems) of the customer are not grounds for the adjustment of a utility bill. In addition, obvious neglect or improper installation by the customer is not grounds for adjustment of a utility billing.
- (G) The City will not adjust an account balance resulting from a leak if the same leak occurred within the last two years and the customer has already received an adjustment based on that leak or as a result of a negligent action by the customer, or customer's agent.

ARTICLE 7

Use of Funds

Section 1. Deposit of Gross Revenues. The city administrator shall deposit all gross revenues received from charges, rates, and penalties collected for the consumption of water in the Water Fund. .

Section 2. Exclusive Use of Revenues. Revenues deposited in the Water Fund shall be used exclusively for the planning, design, operation, maintenance, and repair of the water system, training expenses, administrative costs, expenses for collection of charges imposed by this ordinance, and payments of the principle and interest of any debts of the City's water system .

ARTICLE 8

Cross Connection and Backflow Prevention

Section 1. Designation. This portion of this ordinance shall be referred to and may be designated and cited as the Aumsville Cross Connection Control Ordinance.

Section 2. Purpose. The purpose of this section of the ordinance shall be to protect the water supply of the City from contamination or pollution due to existing or potential cross connection by establishing appropriate regulations and controls relating thereto, including the installation and proper maintenance of approved backflow and/or siphonage devices.

Section 3. Definitions.

- (A) Approved Backflow Prevention Device means a device to counteract back pressures and/or prevent back siphonage. Such devices must be approved by the Oregon State Health Division.
- (B) Auxiliary Supply means any water source or system other than the City's water system that may be available to a particular building on the premises.
- (C) Backflow means a flow in other than the intended direction of flow of any substance, foreign liquid, gas or otherwise, other than potable water provided by the City, into the City's water system.
- (D) Cross Connection shall mean any actual or potential connection or structural arrangement whereby the City's water system is connected directly or indirectly with any other water sources or system, public or private, through which it is possible to introduce into any part of the City's system, any other source of water, potable or otherwise, or an industrial fluid, gas, or substance other than the City's potable water with which the system is supplied, including any connection with a sewer, drain, conduit, swimming pool, storage reservoir, plumbing fixture, swamp cooler, or other device through which it is possible to introduce into any part of the water system contaminated water, sewage, or other materials of unknown or unsafe quality which may be capable of imparting contamination to the City's water system as a result of backflow or otherwise, 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.
- (E) City Water System shall refer to and mean the Aumsville water system which shall include its wells, pumping stations, reservoirs, supply, trunk or feeder lines, service lines, meters and all other appurtenances, devices, lines, and things necessary to the operation of the system and to supply water service to individual property or premise and shall include the City's potable water with which the system is supplied.
- (F) Public Works Director shall mean the person appointed by Council to be in charge of the City's water system.

Section 4. Application and Responsibility. This ordinance applies throughout the city of Aumsville and to every premise and property serviced by the City water system. It applies to any premises water system, public or private, regardless of date of installation. Every owner or occupant of any concerned premises is responsible for compliance with its terms and shall be responsible for any damages incurred as a result of failure to comply with the terms and provisions contained herein.

Section 5. Cross Connections Prohibited. Unless provided specifically herein or specially approved in writing by Council all cross connections, whether or not they are controlled by automatic devices such as check valves or by hand operated mechanisms such as gate valves or cork stops are prohibited.

Section 6. Backflow Prevention Device Installation. The owner of each property or premises serviced and/or furnished water by the City shall be required to install a testable backflow prevention device under the following circumstances:

- (A) There is upon such premises an auxiliary water supply which is or can be connected to the City's service or supply system (including individual premises service plumbing);
- (B) There is piping or equipment for conveying other than potable city water and that piping or equipment is under pressure and installed and operated in a manner that could cause a cross connection;
- (C) There is intricate plumbing which makes it impractical to ascertain whether or not cross connections exists;
- (D) The concerned premises have restricted entry so that inspections for cross connections cannot be made with sufficient frequency or with sufficient short notice, to assure that cross connections do not exist;
- (E) There is a fire line or irrigation service or domestic service larger than two inches;
- (F) The premises have a repeated history of cross connections being established or re-established;
- (G) The serviced premises from time to time may have materials of a toxic or hazardous nature which are handled so that if back siphonage should occur a serious health hazard may result;
- (H) Premises with the following or similar installation must have a backflow device installed: hot tubs, solar system, other uses specified by a certified cross connection specialist representing the City;
- (I) Premises on which any substance is handled under pressure so as to permit entry into the public water system, or where a cross connection could be reasonably expected to occur; this includes the handling of processed water and cooling water. Such type of facilities include dry cleaners/laundromats, laboratories, car washes, petroleum processing or storage plants, food preparation facilities, other facilities specified by the City's cross connection specialist.
- (J) Backflow prevention devices shall be required on domestic services two inches or smaller if the building is two (2) stories or higher than thirty-two (32) feet above the water main. One (1) and two (2) story buildings which exceed thirty-two (32) feet in height may be exempted upon determination by the city that no backflow hazard exists.
- (K) Any other water system which receives water from the city of Aumsville water system and does not have a cross connection program which has been approved by the City.

Section 7. Type of Backflow Prevention Devices Required and Location.

- (A) The type of backflow prevention device required shall be commensurate with the degree of hazard that exists and must meet at all times the standards of the Oregon State Health Division; all backflow prevention devices required under this section shall be a type and model approved by the Oregon State Health Division and the director of public works.

- (B) A reduced pressure principal backflow prevention device shall be installed where the water supply may be contaminated by a substance that could cause health or system hazard. This type of device will also be required in any premises where entry is restricted by the water user. A reduced pressure principle backflow will be required at the point of connection between the city water system and any other water system, which does not have a cross connection program.
- (C) A double-check valve assembly pressure vacuum breaker or a reduced pressure principle backflow device assembly shall be installed where it is possible to interject a substance that may be objectionable, but not hazardous, into the water system.

Section 8. Location and Installation of Backflow Device.

- (A) The City may specify the location and method of installation of a backflow prevention device. The control or elimination of a cross connection shall be in accordance with Manuals of Standard and Practice pertaining to cross connection control approved by the City, and any requirements set forth by the United States Environmental Protection Agency as authorized by the "Safe Drinking Water Act" PL93-523 and other applicable legislature, rules, and regulations of the United States, the state of Oregon and concerned agencies.
- (B) An installation, corrective measure, disconnection, or other change to a backflow prevention device shall be at the sole expense of the owner. The costs of any change required in the City's system outside the property concerned, or between the meter and the supply line or distribution system, or any changes for cut-offs or disconnection, shall be paid in accordance with the City's practice and procedure, and may, if not paid, be collected through legal process or any other appropriate manner approved by law.

Section 9. Pre-existing Backflow Prevention Device. Any backflow prevention device installed before the effective date of this ordinance, not an approved device and hereinafter set forth shall be permitted to remain in service if:

- (A) The device is properly maintained; and
- (B) The type of device is commensurate with the degree of hazard, such determination to be made by the City; and
- (C) The device is tested annually as required herein; and
- (D) The device performs satisfactorily.

If a backflow device does not meet the standards of the Oregon State Health Division as herein set forth, the device may be replaced if it is removed or requires more than minimum maintenance.

Section 10. Testing Requirements.

- (A) Any backflow prevention device which may be required to be installed under this ordinance for the protection of the City's water supply shall be tested before its use in the city and annually thereafter, unless a more frequent testing is required. All tests required to be performed under this section must be performed by a tester

certified by the state of Oregon or otherwise approved by the City and written results of such test furnished to the City.

- (B) Any backflow prevention device which may be required by the City or state to be installed on property for the protection of a water supply shall be tested at the time of installation and anytime the device is moved or relocated (immediately after relocating or moving). The property owner must forward the results of such testing to the City within ten (10) days of the date of installation or relocation.
- (C) The property owner must order and cause to be performed a test of each backflow prevention device annually on or within thirty (30) days after the anniversary date of the initial testing. The City may require more frequent testing in order to assure the device is functioning in those installations which represent a serious health hazard as determined by the city or the State Health Department.
- (D) If the City has not received the results of such test within thirty (30) days of the anniversary date for annual testing or within ten (10) days of the date of installation of the device as the case may be, or the date of the City's discovery that a device was installed without appropriate test as applicable, the City may order such test and bill the property owner for the cost thereof if the device is for protection of a fire service or for a commercial use; if the device is for protection of a domestic service, the City may deny or discontinue water service until satisfactory proof is furnished that the device has been tested and is functioning properly.
- (E) If the results of a test required by the City as herein set forth indicates that repairs are necessary, such repair must be undertaken and a new test taken, and the results thereof forwarded to the City within ten (10) days of the test, indicating the defect was repaired.

Section 11. General Provisions.

- (A) Any person operating any mobile apparatus which uses the City's water system or water from any premises within the city must provide for backflow prevention and the provisions herein set forth are applicable.
- (B) All plumbing within buildings served by the City shall be so installed and all plumbing fixtures so constructed as to prevent pollution of the City's water supply by back siphonage or cross connections. Water service to any premises known or found to have such defects and hazards shall be disconnected and not restored until such defects and hazards have been eliminated.

Section 12. Customer System Open for Inspection. The customer system shall be open for inspection to perform a facility survey at all reasonable times to the public works director, to determine whether cross connections or other structural or sanitary hazards including violations of these regulations exist. The public works director or any police officer shall have the power to enter any premises or building, for the purpose of enforcing the regulations contained in this Article, and it shall be unlawful for any person in charge of any such premises or building to refuse such entrance.

Section 13. Cross Connection and Backflow Enforcement.

- (A) The public works director of the City or his duly appointed representative or the State of Oregon Health Division shall have the right without being deemed guilty of trespass or an unlawful act to check the premises of customers for cross connections (physical connections), physical connections with other water supplies, and the general condition of water lines and service facilities, at any reasonable time. Any such connection prohibited thereby shall be removed by the customer within the time specified after written notice by the City, and if not so removed, the City shall remove or discontinue any connection it may have for servicing the property.
- (B) The public works director shall designate City cross connections specialists, and institute, with the approval of Council, such additional rules or regulations necessary to carry out provisions of this ordinance.

Section 14. Repealing Ordinance. Ordinance No. 401 is hereby repealed.

ARTICLE 9

VALIDITY

Section 1. Validity. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

ARTICLE 10

VIOLATIONS

Section 1. Violations. Except as otherwise set out specifically in this ordinance, any person violating any of the provisions or failing to comply with the requirements of this ordinance is guilty of a violation.

Section 2. Enforcement of Provisions.

- (A) In the event of violation of any provision in this Chapter, the City may use any enforcement method or measure, including discontinuance of service, it deems appropriate, in addition to any penalties provided for in this ordinance.
- (B) Discontinuance for Customer Noncompliance. The City may discontinue water service to a Customer for noncompliance with a City water regulation, if the customer fails to comply with the regulation within five days after receiving written notice of the City's intention to discontinue service.
1. If such noncompliance affects matters of health or safety, or other conditions warrant such action, the City may discontinue water service immediately.

Section 3. Violation: Prohibited Activities

- (A) It is unlawful for any person to open, cut into, or make any connection with any City water main or lines, or to tamper in any way with the public water system, including water mains, fire hydrants, valves, service lines, meters, and appurtenances without the express permission of the City.
- (B) It is unlawful for any person to open any shut off valve or other device so as to permit water to flow from the City mains or lines into any private main or line without the express permission of the City.
- (C) It is unlawful for any person to use water from a City fire hydrant for construction purposes or any other purpose without express permission of the City, which may make provisions for metering such use, set charges, or refuse such permission.
- (D) It is unlawful for any person required to use an approved backflow prevention device to not use such a device or to use a device that has not been maintained or passed the required inspection.

Section 4. Violation: Penalties

- (A) Except as otherwise provided in this ordinance, any person violating any of the terms of this Ordinance shall be subject to a civil penalty of not more than \$500.00.
- (B) If a person violates any term of this ordinance and then within 2 years of said violation that person commits another violation(s) , the person shall be subject to a civil penalty of \$1000.00 in addition to such other remedies as the court may deem appropriate.
- (C) The remedies provided in this section are cumulative and not exclusive. The City may pursue any remedy provided by law including the institution of injunction, mandamus, abatement, or other appropriate proceeding to prevent, temporarily or permanently enjoin, or abate an ordinance violation.

Section 5. Violation: Each Act a Separate Violation. Each day a violation continues constitutes a separate offense, and any person convicted of such offense shall be punished accordingly.

ARTICLE 11

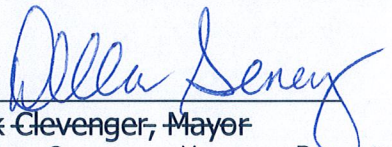
Section 1. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26th day of October, 2020. READ a second time on the 9th day of November, 2020. ADOPTED AND PASSED by the Aumsville City Council on the 9th day of Nov, 2020.



Ron Harding, City Administrator

SIGNED by the mayor this 12 day of November, 2020



~~Derek Clevenger, Mayor~~
Della Seney, Mayor Pro-tem