

## CHAPTER 52: WATER

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52.44	Fire sprinkler systems backflow protection requirements		(A) The city provides a valuable public service by maintaining a water collection, treatment, storage and distribution system which constitutes a public utility owned and operated by the city. This utility exists for the benefit of persons within the city who have domestic, commercial, industrial, fire protection, public or other water service needs.
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			(B) Users of the water system are to pay rates which reflect direct and indirect costs of operation of

the water system as a public utility. Persons not using the water utility should not pay utility rates. However, some use of the utility is deemed to occur when the water service is sized to provide water service to the property and to provide for fire suppression whether water is being consumed or not, and therefore an access/demand charge shall be charged.

(C) The rate structure of the city water utility shall be consistent with the above, shall reflect full actual costs of providing the service, and shall consist of a service charge which allows the owner a degree of control over the amount to be paid.

(D) This rate structure is intended to constitute a service charge, even if it is viewed as a charge against property or against a property owner as a direct consequence of ownership of the property. (Ord. 91-28, passed 10-28-91)

## § 52.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESS/DEMAND CHARGE.** The charge made to each user to cover direct and indirect costs attributable to sizing and maintenance of the water system so that water is available for a customer's requirements upon demand, including water for fire suppression.

**AFTER HOURS.** Any time other than that covered by "normal working hours" in the definitions section.

**APPLICANT.** Any person, corporation, association or agency applying for water service.

**APPROVED BACKFLOW PREVENTION DEVICE.** A device to counteract back pressures or to prevent back siphoning. This device must appear on the list of approved devices issued by the Oregon State Health Division.

**AUXILIARY WATER SUPPLY.** Any water source or system other than the public water system,

that may be available in the building or on the premises.

**BACKFLOW.** The flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the city.

**CITY.** The City of Seaside, its staff and/or designee (authorized agent).

**CITY SERVICE LINE.** Any pipe and fittings which connect a water main to a water meter or "customer service line" which may include corporation stop, pipe and fittings, curb stop, meter, meter box, or any other materials required for installation.

**CROSS CONNECTION.** Any physical arrangement where a public water system is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, irrigation system, solar systems, fire sprinkler systems or other liquid of unknown or unsafe quality which may be capable of impairing contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross connections.

**CUSTOMER.** A person, corporation, association or agency who has requested and is receiving water service.

**CUSTOMER SERVICE LINE.** Any pipe, valves, and fittings leading from the water meter or city service line into the premise served or point of ultimate use. **CUSTOMER SERVICE LINE** shall include wheel valve and five feet metal service tail pipe at meter and may require backflow prevention or pressure reducing devices.

**DOUBLE CHECK VALVE ASSEMBLY (DCVA).** An assembly that contains two independently acting approved check valves. The device shall include properly located test cocks and tightly closing shut-off valves at the end of the

assembly. A double check valve assembly is approved if it appears on the list of approved devices issued by the Oregon State Health Department.

**FIRE SERVICE.** Any service installed for the specific purpose of fire protection (hose connection or sprinklers).

**NORMAL WORKING HOURS.** Any normal work day (Monday through Friday except holidays) between the hours of 8:00 a.m. and 4:30 p.m.

**PREMISES.** Any piece of land to which water is provided including all structures, improvements, and additions.

**REDUCED PRESSURE PRINCIPLE DEVICE (RPBD).** 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 device shall include properly located test cocks and tightly closing shut-off valves at the end of the assembly. A **REDUCED PRESSURE PRINCIPLE DEVICE** is approved if it appears on the list of approved devices issued by the Oregon State Health Division.

**SERVICE.** That combined facility comprised of both a "city service line" and a "customer service line," including that which may or may not have a meter installed to measure flow or consumption.

**SERVICE CHARGE.** A combination of access/demand and user fees.

**USER.** Any person, corporation, or other entity with the ability to use water through an established service line.

**USER FEE.** The charge to a user based upon delivery of water to property.

**WATER MAIN.** Any pipe owned by the city laid in a street, alley, or easement, and used or intended to be used for distribution of water to customers through service lines.

**WATER METER.** Any device used for measurement of water delivered to an individual location or user (service).

**WATER SYSTEM.** Any fixed assets used for the purpose of acquiring and conveying potable water from their source, treating in any manner, and conveying to users in the city and adjacent areas. (Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

## WATER SERVICE REGULATIONS

### § 52.15 APPLICATION; DEPOSIT.

(A) *Application for water service.* Application for use of water shall be made to the Finance Department, and shall state fully and truly all the purposes for which water may be required. The applicant shall agree, as a condition for such use, to conform to the rules and regulations of the city concerning use of water.

(B) *Application for water service deposit.* Application for water service shall be accompanied by a \$100 deposit or, at the applicant's request, the city may allow the deposit to be waived if the property owner permits any unpaid amount to be placed as a lien against the property. The failure of a property owner to make the required deposit shall constitute approval for a lien. (Ord. 91-28, passed 10-28-91)

### § 52.16 FURNISHING OF WATER SERVICE.

(A) A water service line and a meter of suitable size shall be furnished by the city upon application to the Finance Department. The city shall furnish all labor and materials necessary for construction, including meter adapter for customer's service line. The fee to be charged for a water service is given in the fee schedule, § 52.65.

(B) Within the city limits, the city maintains the city service from the main, to and including the water meter, without further cost to the property owner.

(C) The access/demand charges are based on water meter size and depend on the volume of water thereby requiring for standby service and fire suppression.

(Ord. 91-28, passed 10-28-91)

#### § 52.17 UNLAWFUL CONNECTIONS.

(A) No person may connect to the city water system unless previously authorized by the city.

(B) A person shall obtain permission from the city before a customer service line is connected to a water meter. Such work shall be performed at the expense of the customer. All charges owed by the applicant shall be paid in full, or arrangements for payment be made, prior to permission to connect with the city water system is granted.

(Ord. 91-28, passed 10-28-91)

#### § 52.18 SERVICE LINES.

(A) Service lines used from the meter to the property line and within the bounds of the premise shall meet standards of the current edition of the Oregon State Plumbing Code. Installation charges for the city service line are to be paid by the customer. After installation the service line and meter becomes the property of the city.

(B) Pressure reducers or devices which restrict backflow installed on a customer's service line shall be provided by the customer, shall meet standards of the current edition of the Oregon State Plumbing Code, and shall be inspected and tested as required.

(C) Any service line between the main and the wall of the building shall be laid not less than two feet below the surface of the finished grade.

(D) All customer service lines shall be kept in repair and protected from freezing at the expense of the customer, who is also responsible for all damages resulting from leaks or breaks.

(E) The customer shall be liable for any damage to a meter or other equipment or property owned by the utility which is caused by an act of the customer

or the customer's agents. Such damage shall include the breaking or destruction of locks on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premise. The city shall be reimbursed promptly by the customer upon presentation of a bill for any such damage.

(Ord. 91-28, passed 10-28-91)

#### § 52.19 PERMITS FOR CHANGE OF SERVICE.

When a permit for a change in service is granted, the charge is the same as the charge for a new service, less credit allowed for salvageable materials from the original service.

(Ord. 91-28, passed 10-28-91)

#### § 52.20 SERVICE DISCONNECTION.

(A) *Wheel valves.* The city encourages the installation of wheel valves at the meter for customer use. There shall be no connect or disconnect fees associated with installation of wheel valves. No customer shall be allowed to operate meter valves on city service lines. Customer shall be responsible for any damage to city service due to tampering with meters.

(B) *Temporary service interruption.* At the owner's request, water service may be turned off for a period of five days without removal of the meter. A turn-on fee may be required to reinstate service (see Fee Schedule, § 52.65).

(C) *Service change.* When the customer requests a service interruption for more than five days, service shall be locked in the off position or the meter removed. Turn-on shall be only after receipt by the city of the turn-on fee and any amount owed to the city. Turn-on fee is indicated in the Fee Schedule, § 52.66.

(Ord. 91-28, passed 10-28-91)

**§ 52.21 SEPARATE CONTROL OF SERVICE;  
JOINT USE.**

(A) When more than one house or premise is connected to a single water meter, customer service lines shall be so arranged as to permit supply control by a single valve for each separate house or premise. One person shall be designated as the customer for billing purposes for all the water used through such service.

(B) Where water is supplied through one service line to more than one user, the city may decline to furnish water until separate customer service lines are provided. The city may supply water to more than one user on the condition that one person is designated to pay for all water used through the service line. The charge for water consumed shall be based on the access/demand charge and the amount of water used.

(Ord. 91-28, passed 10-28-91)

**§ 52.22 SHUT OFF BECAUSE OF WASTE;  
CUSTOMER RESPONSIBLE FOR  
CONSUMPTION.**

(A) Water shall not be furnished to a premise where there is a defective or leaking faucet, closet, or other fixture, or where there is a water closet or urinal without self-closing valves, or a tank without a self-acting float valve. When there is a defective or leaking fixture or when there is not a shut off device, the water supply may be shut off.

(B) Water may be kept running to prevent freezing when conditions require, subject to a determination of necessity made by the city. Customer is responsible for water consumption per Fee Schedule, § 52.62, unless approved adjustments are authorized by the city.

(Ord. 91-28, passed 10-28-91)

**§ 52.23 INTERRUPTIONS IN SERVICE.**

(A) Water may be turned off from the mains without notice for repair or other necessary purposes. The city is not responsible for any damages as a consequence of interruption in service.

(B) Water for steam boilers shall not be furnished by direct pressure from the city mains.

(C) Any damage to the city water system or service line as a result of faulty customer equipment or backflow shall be the responsibility of the customer or user.

(Ord. 91-28, passed 10-28-91)

**§ 52.24 ACCESS TO PREMISES FOR  
INSPECTION.**

Any person designated by the city may inspect, at reasonable hours of the day, all parts of the building and premise in which water is delivered from the city mains to determine the condition of the pipes and fixtures and the manner in which the water is used. Such designated representative will present proper identification upon request.

(Ord. 91-28, passed 10-28-91)

**§ 52.25 SERVICE OUTSIDE CITY.**

The city may furnish water to a user or water district outside of city limits, by approval of City Council. The City Council shall establish such rules and regulations as it deems necessary and convenient. The charge for outside water service is established in the Fee Schedule, § 52.63, unless special rates have been established by an easement agreement.

(Ord. 91-28, passed 10-28-91)

**§ 52.26 AUXILIARY WATER SUPPLY.**

Approved backflow prevention devices for protecting community water systems shall be installed on the service connection to a premise where there is an auxiliary water supply which is or can be connected to the water service, such devices shall be inspected in accordance with state and city regulations.

(Ord. 91-28, passed 10-28-91)

**§ 52.27 FIRE HYDRANTS AND FIRE SERVICE LINES.**

(A) No person may cut, change, remove, disconnect, connect, operate, repair, interfere or tamper in any manner with a fire hydrant owned by the city unless a permit has been issued by the Public Works Director.

(B) "Fire service lines" may be installed at the expense of customer. All such lines shall be approved by the Public Works Director. No use or connection other than fire protection is permitted on fire service lines. If any connection or use other than fire protection is discovered, the entire service will be disconnected and the appropriate insurance company notified. No further service shall be permitted until necessary correction measures are made and approved by the city.  
(Ord. 91-28, passed 10-28-91) Penalty, see § 52.99

**§ 52.28 WATER METERS.**

(A) *Requirements.* No person may use city water, except through an approved water meter. When a water meter fails to register accurately, the charge for water shall be based upon the average daily water consumption as shown by the water meter when in order.

(B) *Changes.* Unless authorized by the city, no person may cut, change, remove, disconnect, connect, repair, interfere, meddle or tamper in any manner with any installed water meter.

(C) *Accessibility.* The occupant of a building or premise where a meter is located shall keep the water meter free from obstructions and accessible at all times for reading, turn-on/turn-off, inspecting, or repairing.

(D) *Water meter checks.* Water meter accuracy checks requested by the user shall be billed to the user at the rate given in the Fee Schedule, § 52.68, if the water meter test proves accurate. If the meter proves inaccurate there shall be no charge.  
(Ord. 91-28, passed 10-28-91)

**CROSS-CONNECTION REGULATIONS**

**§ 52.40 PURPOSE.**

(A) The purpose of these regulations is to protect the water supply of the city from contamination or pollution due to any existing or potential cross-connection.

(B) No cross-connection shall be created, installed, used, or maintained within the territory served by the city water system except in accordance with these regulations.  
(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95) Penalty, see § 52.99

**§ 52.41 BACKFLOW PREVENTION DEVICE REQUIREMENT.**

Approved backflow prevention devices shall be installed at the expense of the user, either at the service connection or within the premises, as determined by a certified cross connection inspector employed by the city in each of the following circumstances:

(A) When the nature and extent of any activity of the premises, or the materials used in connection with the activity of the premises, or materials stored on the premises, could contaminate or pollute the drinking water supply.

(B) When the premises has one or more cross-connections as that term is defined in § 52.02.

(C) When internal cross-connections are not correctable, or intricate plumbing arrangements have made it impractical to ascertain whether or not cross-connections exist.

(D) When there is a repeated history of cross-connections being established or re-established.

(E) When there is unduly restricted entry so that inspections for cross-connections cannot be made with sufficient frequency or with sufficient notice to assure that cross-connections do not exist.

(F) When materials of a toxic or hazardous nature are being used such that, if backflow should occur, a health hazard could result.

(G) When there is any mobile apparatus which uses the city water system or water from any premises within the system.

(H) When any temporary connection is made to the city water system or water from any premises within the system by contractors, builders, or any other temporary or transient water user.

(I) When there is a premises where installation of an approved backflow prevention device is deemed to be necessary to accomplish the purpose of these regulations in the judgment of a certified cross-connection inspector employed by the city.

(J) Any premises having a private well or other private water source shall be required to install a backflow prevention device at the service entrance if a private water source is maintained, even if it is not cross-connected to the city water system.

(K) Any existing backflow preventer shall be allowed by the City Water Department to continue in service unless the degree of hazard is such as to supersede the effectiveness of the device, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow device must be replaced with an approved device suitable for the degree of hazard.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

#### § 52.42 MINIMUM REQUIREMENTS.

The following are minimum requirements for backflow protection. Higher protection may be determined necessary by a certified cross-connection inspector employed by the city:

(A) The following shall require the minimum backflow protection of a reduced pressure principle device if connected to the city water system: Auto repair shops, RV trailer parks, car washes, fire

system antifreeze loops, commercial laundries, dry cleaners, film processors, air conditioning systems, autoclaves, CO<sub>2</sub> beverage dispensers, boilers, chemical feed tanks, chilled water systems, cooling towers, fertilizer injection equipment, water cooled refrigeration units, laboratory equipment, mobile carpet cleaners, radiator flushing equipment, sterilizers, swimming pools and X-ray processors.

(B) The following shall require the minimum backflow protection of a double check valve assembly device if connected to the city water system: Fire sprinkler systems, any building with plumbing higher than 30 feet above the street surface, water service connections of two inches and above, irrigation systems, auxiliary water supply, mobile home parks, shopping centers, pressure washers, wells and hydraulically operated equipment.

(C) Pressure vacuum breaker assembly's and atmospheric vacuum breakers will not be permitted as backflow prevention devices by the City Water Department. Air gaps will be permitted providing they are inspected and approved by the City Water Department with periodic inspections made by the Water Department to assure the air gap is not bridged or defeated.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

#### § 52.43 INSTALLATION REQUIREMENTS.

To ensure proper operation and accessibility of all backflow prevention devices, the requirements found in OAR 333-61-71 as well as the following requirements shall apply to the installation of these devices:

(A) *Irrigation backflow installation requirements.*

(1) Prior to the installation of any type of irrigation system on property served by the city a set of plans, prints, drawings, or diagram of the system must be submitted to the City Water Department.

(2) The plans shall include location of system (street and lot number), owner's name and address, layout of system and size and description of

backflow device. This irrigation plan will be reviewed and kept on file at the City Water Department. Within ten working days the City Water Department will return to the submitter initial plan approval or required changes, and a copy of the city backflow device installation requirements.

(3) The city requires that the minimum backflow prevention on an irrigation system shall be the installation of an approved double check valve assembly.

(4) The following are the city's requirements for the installation and approval of a double check valve assembly on all irrigation systems:

(a) In order for a backflow prevention device to be approved by the city, the city has depended upon the Foundation for Cross Connection Control and Hydraulic Research at the University of California to provide a list of devices that have passed its stringent testing procedure.

(b) All devices installed after January 1, 1994, must be state approved and have resilient seated gate valves or fully ported ball valves. These valves are to be an integral part of the device assembly as sold by the local distributor. Lists of approved devices are available at the City Water Department.

(c) Double Check Valve Assembly (DCVA) - Installation.

1. The DCVA shall be installed with adequate space to facilitate maintenance, testing and to easily obtain the make, model and serial number of the assembly. It shall be inspected and tested after installation to insure its satisfactory operation and proper installation. The DCVA must be tested by a certified state tester, at the time of installation.

2. Care must be used to insure that the DCVA is not installed where the pressure will be maintained above the device's rated and labeled capacity.

3. Pit or below grade DCVA installations must have pipe plugs installed in test cock tapplings to lessen the danger of cross-connects if the device becomes submerged.

4. The DCVA must be protected from freezing but must facilitate testing and maintenance. There shall be no connections installed between DCVA and source of supply for the purpose of draining.

5. Thoroughly flush the lines prior to installation of the DCVA.

6. Owner or representative must call for an inspection by the City Water Department. Backflow device installation service line and all premises plumbing to the DCVA must be exposed on visual inspection.

7. Water service will not be turned on until final approval is granted, following the acceptance of the DCVA installation and receipt of certified test results.

(5) Prior to backfill, this installation must be inspected between the DCVA and the source of supply by the City Water Department. Inspection will be made by the City Water Department within two working days of notice to inspect.

**IMPORTANT:** Failure to notify the City Water Department prior to backfill will result in re-excavation of the device and point of connection to facilitate inspection.

(6) Final approval shall be granted following the acceptance of the installation and receipt of certified tester results.

(7) All devices must be tested annually by a state certified backflow device tester and a completed test report submitted to the City Water Department. The City Water Department may require that a backflow prevention device be tested more frequently if the device has a history of repeated failures.

**NOTE:** The installation of a backflow prevention device on the water service line will eliminate the



thermal expansion of hot water into the distribution system. Therefore, the city hereby notifies the water user that it is the water user's responsibility to maintain temperature pressure relief valves and expansion tanks within the premises plumbing.

*(B) Commercial backflow installation requirements.*

(1) Prior to the installation of any commercial water service (any service other than residential) in the city service area, a set of plans, prints, drawings, or diagram of the system must be submitted to the City Water Department.

(a) The plans shall include locations of buildings, irrigation systems and landscaping, street address, owner's name and mailing address, plumbing and mechanical plans, size of service line and description of intended use of property. This plan will be reviewed and kept on file at the City Water Department.

(b) Within ten working days the City Water Department will return to the submitter initial plan approval. The approval notice will include type of backflow device required (minimum requirement is a double check valve assembly), a copy of the city backflow device installation requirements and a list of local state certified backflow device testers.

(2) To ensure proper operation and accessibility of all backflow prevention devices, the requirements found in OAR 333-61-71 as well as the following requirements shall apply to the installation and approval of a double check valve assembly on all commercial services.

(3) All devices installed after January 1, 1994, must be state approved and have resilient seated gate valves or fully ported ball valves. These valves are to be an integral part of the device assembly as sold by the local distributor. Lists of approved devices are available at the City Water Department.

(4) Double check valve assembly (DCVA) installation.

(a) The DCVA shall be installed with adequate space to facilitate maintenance, testing and to easily obtain the make, model and serial number. It shall be inspected and tested after installation to insure its satisfactory operation and proper installation. The DCVA must be tested by a certified state tester, at time of installation.

(b) Care must be used to insure that the DCVA is not installed where the pressure will be maintained above the device's rated and labeled capacity.

(c) Pit or below grade DCVA installations must have pipe plugs installed in test cock tappings to lessen the danger of cross-connects if the device becomes submerged.

(d) The DCVA must be protected from freezing but must facilitate testing and maintenance. There shall be no connections installed between DCVA and source of supply for the purpose of draining.

(e) Thoroughly flush the lines prior to installation of the DCVA.

(f) Owner or representative must call for an inspection by the City Water Department. Backflow device installation service line and all premises plumbing to the DCVA must be exposed on visual inspection.

(g) Water service will not be turned on until final approval is granted, following the acceptance of the DCVA installation and receipt of certified test results.

(h) All devices must be tested annually by a state certified backflow device tester and a completed test report submitted to the City Water Department. The City Water Department may require that a backflow prevention device be tested more frequently if the device has a history of repeated failures.

NOTE: The installation of a backflow prevention device on the water service line will eliminate the thermal expansion of hot water into the distribution system. Therefore, the city hereby notifies the water

user that it is the water user's responsibility to maintain temperature pressure relief valves and expansion tanks within the premises plumbing. (Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

**§ 52.44 FIRE SPRINKLER SYSTEMS  
BACKFLOW PROTECTION REQUIREMENTS.**

(A) Pursuant to Chapter 333-61-070 (6)(b) of the Oregon State Health Division Administrative Rules an approved double check valve assembly (DCVA) shall be the minimum backflow protection for fire sprinkler systems.

(B) To ensure proper operation and accessibility of all backflow prevention devices, the requirements found in OAR 333-61-71 as well as the following requirements shall apply to the installation of DCVA's on fire sprinkler systems.

(1) DCVA's may be installed vertically as well as horizontally provided that the device assembly:

- (a) Is internally spring loaded - not weighted checks.
- (b) Is four inches or smaller.
- (c) Is recommended by the manufacturer for vertical installation.
- (d) Has the normal flow upward.

(2) DCVA's may be installed below grade in a vault provided plugs are installed in the test cocks. Maximum height of installation shall not exceed five feet for any DCVA unless there is a permanently installed platform meeting Occupational Safety and Health (OSHA) standards to facilitate servicing the device.

(3) Clearances for device assemblies two inches or smaller must provide enough room so that there is easy accessibility for testing, repairing and to easily obtain the make, model and serial number of

the assembly. Adequate drainage must be provided except that the drain shall not be connected to a sanitary or storm water drain.

(C) When intricate plumbing arrangements exist that make it impractical to ascertain water usage or consumption, the City Water Department may require the installation of an approved double detector check valve assembly.

(D) Prior to establishing water service to the fire sprinkler system, the City Water Department must inspect and approve the device installation.

(E) Prior to establishing water service to the fire sprinkler system the backflow prevention device must be tested by a state certified tester and a test report filed at the City Water Department.

(F) All backflow prevention devices installed on fire sprinkler systems must be tested annually by a state certified backflow device tester. A completed test report form must be submitted to the City Water Department. The City Water Department may require that a backflow prevention device be tested more frequently if the device has a history of repeated failures.

(G) Fire sprinkler systems that incorporate an antifreeze loop containing any kind of chemicals shall have an approved Reduced Pressure Principle Backflow Device (RPBD) installed on the antifreeze loop.

(H) Installation requirements for RPBD's are as follows:

(1) RPBD's shall always be installed horizontally, never vertically.

(2) Relief valves shall never be extended or plugged.

(3) Protection from freezing shall be provided.

(4) A provision for an air gapped drain shall be provided.

(5) RPBD's shall not be installed in an enclosed vault or box unless a bore-sighted drain to daylight is provided.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95) Penalty, see § 52.99

#### **§ 52.45 ACCESS TO PREMISES.**

Authorized employees of the city, with proper identification, shall have access during reasonable hours to all parts of a premises and within the building to which water is supplied. However, if any water user refuses access to a premises or to the interior of a structure at reasonable times and on reasonable notice for inspection by a cross connection inspector appointed by the city, a reduced pressure principle device (RPBD) will be required to be installed at the service connection to that premises or service must be disconnected.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

#### **§ 52.46 ANNUAL TESTING AND REPAIRS.**

(A) All backflow devices installed within the service area served by the City Water Department shall be tested immediately upon installation and annually thereafter by a state certified tester. Backflow prevention devices that have a history of repeated failures may be required to be tested more frequently. All such devices found not functioning properly shall be promptly repaired or replaced by the water user. If any such device is not tested or, if tested and fails, is not promptly repaired or replaced, the City Water Department may have the backflow prevention device tested or repaired or replaced with the costs of such charged to the owner of the device or the City Water Department may deny or discontinue water to the premises. All testing and repairs are the financial responsibility of the water user.

(B) Notice will be given to the City Water Department of any backflow prevention device test failure which can not be repaired the same day of failure.

(C) The city may on occasion send an employee to observe in the field any certified backflow device tester competence at testing devices. Any tester who is not found competent will be taken off the Certified Backflow Device Tester's list.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

#### **§ 52.47 VARIANCES.**

Any variances from these requirements shall be requested in writing by the owner and approved by the city prior to device installation.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

#### **§ 52.48 COSTS OF COMPLIANCE.**

All costs associated with purchase, installation, inspections, testing, replacement, maintenance, parts, and repairs of the backflow device are the responsibility of the water user.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

#### **§ 52.49 COMPLIANCE TIME REQUIREMENTS.**

Customer may ordinarily have 90 days to comply with these regulations. If the city determines at any time that a serious threat to public health exists, the water service will be terminated immediately.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

#### **§ 52.50 TERMINATION OF SERVICE.**

(A) Failure on the part of any customer to discontinue the use of all cross connections and to physically separate cross connections is sufficient cause for immediate discontinuance of public water service to the premises. (OAR 333-061-070, 1(b))

(B) The city may elect to have an appropriate backflow prevention device installed and the cost of such installation charged to the water user instead of discontinuance of the public water service to the premises.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

### **RATES AND CHARGES**

#### **§ 52.60 FEE SETTING POLICY.**

City Council, by this chapter, sets fees and rates for water service and related activities as described in this chapter in accordance with the following requirements:

(A) Water service rates shall be based on the combination of an access/demand charge plus a consumption charge for the volume of water consumed.

(B) Water service rates may also provide for payment of the costs of, or repayment of indebtedness incurred for, capital improvements to the water system. Rates may be adjusted for this purpose system-wide or with reference to specifically benefitted properties. Rates shall be reviewed by the City Manager during each fiscal year.

(C) Account fees, administrative fees, and charges for other water service activities, including service connection charges, shall be based on the actual direct and indirect costs to the city for providing the service.

(D) Effective July 1, 2009, as compensation for the use of city-owned rights-of-way, the water fund shall pay to the street fund an in-lieu-of franchise fee in the amount of 7% of the sewer user receipts.

(Ord. 91-28, passed 10-28-91; Am. Ord. 2009-06, passed 7-27-09)

#### **§ 52.61 ACCESS/DEMAND CHARGES.**

Access/demand charges under §§ 52.61 through 52.64 shall be those rates adopted by the Council by resolution. The Council shall establish and, as considered necessary from time to time, change charges by resolution after public hearing.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-38, passed 8-28-95; Am. Ord. 2001-08, passed 7-23-01)

#### **§ 52.62 CONSUMPTION CHARGE.**

The consumption charge under §§ 52.61 through 52.64 shall be the rate adopted by the Council by resolution. The Council shall establish and, as considered necessary from time to time, change charges by resolution after public hearing.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-38, passed 8-28-95; Am. Ord. 2001-08, passed 7-23-01)

#### **§ 52.63 WATER CHARGES OUTSIDE CITY.**

All users outside the city limits, except those within a water district, shall pay two times the rates adopted by resolution as referenced in §§ 52.15, 52.61 and 52.62 above.

(Ord. 91-28, passed 10-28-91; Am. Ord. 2001-08, passed 7-23-01; Am. Ord. 2002-09, passed 6-25-02)

#### **§ 52.64 WATER DISTRICT CHARGES.**

Water districts with a contract with the city for water service shall pay the fees adopted by resolution as referenced in §§ 52.61 and 52.62 above.

(Ord. 91-28, passed 10-28-91; Am. Ord. 2001-08, passed 7-23-01)

#### **§ 52.65 SERVICE INSTALLATION CHARGES.**

The charge for water service installation is based on the actual cost of labor and materials plus 20% for billing, administration and overhead.

(Ord. 91-28, passed 10-28-91)

**§ 52.66 TURN-ON FEES.**

Unless turn-off and turn-on is at the convenience of the city, the fee for turn-on shall be \$75.

(Ord. 91-28, passed 10-28-91)

**§ 52.67 SPECIAL WATER METER READING.**

A special water meter reading requested for a real estate closing may be charged a fee of \$25.

(Ord. 91-28, passed 10-28-91)

**§ 52.68 WATER METER ACCURACY CHECK.**

The water meter accuracy check fee shall be \$25.

(Ord. 91-28, passed 10-28-91)

**§ 52.69 BILLING PROCEDURES.***(A) Rendering of bills.*

(1) Meters will be read at regular intervals for the preparation of bimonthly bills and as required for the preparation of opening/closing of accounts and for special bills.

(2) Bills for water service shall be rendered bimonthly.

*(B) Payment of bills.*

(1) All bills are due and payable on presentation. Payment may be made at the city finance office or an authorized deposit location.

(2) Closing bills will be collected at the time of discontinuance of service.

(3) When bills are delinquent, the city will follow the procedure as outlined in § 52.82.

*(C) Billings of separate meters not combined.* Each meter on a customer's premise will be

considered separately, and readings of two or more meters will not be combined unless the city's operating convenience requires use of more than one meter.

(Ord. 91-28, passed 10-28-91)

**ADMINISTRATION AND ENFORCEMENT****§ 52.80 TURN-OFF FOR NONCOMPLIANCE.**

*(A) Water turn-off.* If a water user fails to comply with the rules and regulations described herein or otherwise established as a condition to the use of water, or fails to pay charges for water service in the time and manner provided, the water supply may be turned off. To reinstate service the turn-on fee shall apply.

*(B) Turn-on fee.* When a turn-on is requested, the turn-on fee is to be paid in the Finance Department. The charge for turn-on during and after normal working hours is indicated in the Fee Schedule, § 52.66. This fee is based on the cost of turning off and turning on the water, making appropriate account changes, preparing final billings, overhead and administration.

(Ord. 91-28, passed 10-28-91)

**§ 52.81 UNPAID SERVICE CHARGES.**

*(A)* In the event of failure or refusal to pay charges for water service, the City Finance Department shall use the customer's funds on deposit or if the customer has selected the option allowing a lien to be placed on the property in accordance with § 52.15(B), the city shall declare the amounts unpaid charges and place a lien upon the premise. The city may foreclose the lien by any method authorized by law to enforce collection of delinquent liens. The lien docket shall be the utility billing register.

*(B)* Provisions of division (A) of this section for collection and enforcement of charges for water service are not exclusive remedies, but are in addition

to all other methods of enforcing payment and collection thereof.

(C) If civil action is required because of violations of these rules, violator shall be liable for court costs and reasonable attorney fees to be set by the court, including appellate court fees, in the event the city is successful in its legal action.

(Ord. 91-28, passed 10-28-91)

#### **§ 52.82 PENALTY FOR DELINQUENT PAYMENT.**

All bills are due and payable as of the billing date. If a billing is not paid in full within 40 days of the billing date, the account will be considered delinquent and a 10% late fee on the outstanding balance may be charged. If the account is not brought current within 30 days of the late fee charge then notice will be sent notifying the customer that shutoff proceedings will commence in 15 days if not paid in full. If after 15 days the account is not satisfied, notice will be posted/placed on the property stating when shutoff will occur. A minimum of 24 hours notice will be given. Whenever service has been shutoff because of continued delinquency, charges as stipulated in § 52.66 shall be collected, together with the delinquent amount including late fees, before service is resumed.

(Ord. 91-28, passed 10-28-91; Am. Ord. 2002-09, passed 6-25-02)

#### **§ 52.83 CITY MAY IMPOSE WATER USE RESTRICTIONS.**

In the event of a shortage of water, the city may impose restrictions on water usage.

(Ord. 91-28, passed 10-28-91)

#### **§ 52.84 APPEALS.**

Any individual or business paying a charge for water service who feels his water charge is unjust and inequitable as applied to his premise may make

written application to the City Manager requesting a review of his user charge. The decision of the City Manager may be appealed to the City Council. If the City Council finds an error has been made in the implementation of the intent of this chapter, it shall direct the city staff to make such adjustment as the City Council may deem fair and equitable.

(Ord. 91-28, passed 10-28-91)

#### **§ 52.99 PENALTY.**

Any violation of these regulations may subject violator to water turn-off, \$250 fine, or both, in addition to any other legal remedies available to the city.

(Ord. 91-28, passed 10-28-91)