

ORDINANCE BILL NO. 10 FOR 1996

ORDINANCE NO. 1100

AN ORDINANCE SETTING WATER SERVICE RATES, AND RELATED MATTERS; REPEALING ORDINANCE NO. 1025, AND DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

Section 1. Definitions

- (1) **Monthly Base Charge:** "Monthly base charge" is the charge made to each user to cover fixed costs attributable to expenses other than production, distribution and sales costs.
- (2) **After Hours:** "After hours" means any time other than that defined by (6) "normal working hours" in definitions section.
- (3) **Backflow Prevention Device:** All "backflow prevention devices" required under this section shall be of a type and model approved by the Oregon Health Division, and the Division maintains a current list of backflow prevention devices approved for use in Oregon.
- a. **"Hose Bib Vacuum Breaker"** means a backsiphonage prevention device to be screwed onto an existing water faucet consisting of a single check valve mechanism with an atmospheric vent. The hose bib vacuum breaker is not a backflow prevention device and can not be tested.
- b. **"Pressure Vacuum Breaker"** means a backsiphonage prevention device consisting of a single spring-loaded check valve and an independently operated, spring-loaded air inlet valve, two tightly closing gate or ball valves and two test cocks. It is not adequate protection in a situation where backpressure could occur; consequently, it is not approved for premises isolation.
- c. **"Double check detector assembly"** means a backflow prevention device consisting of a line size double check assembly in parallel with a detector meter and meter size double check valve assembly. Each double check valve assembly is to be equipped with properly located test cocks and tightly closing shutoff valve at the end of the assembly. If it is necessary to put a double check detector assembly below the grade, upon the approval of the City Engineer it may be installed in a vault such that there is a minimum of twelve inches between the bottom of the vault and the bottom of the assembly so the top of the assembly is not more than a maximum of eight inches below grade, and there is a minimum of twenty four inches of clearance between the side of the vault and the side of the assembly. There shall be a minimum of twelve inches clearance from the end of the assembly to the end wall surface of the vault. In vaults without a fully removable top, a minimum headroom of 6 feet 0 inches is required. An access opening a minimum of twenty four inches square is required on all vault lids. The vault must have adequate drainage to prevent flooding. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the assembly.
- d. **"Double check valve assembly"** means a backflow prevention assembly composed of at least two independently acting check valves including tightly closing shutoff valves on each side of the check valve assembly and test cocks available for testing the watertightness of each check valve. The assembly shall be located as close as practical to the user's connection and shall be installed horizontally above grade and in a manner where it is readily accessible for testing and maintenance. If it is necessary to put a double check valve assembly below the grade, upon the approval of the City Engineer it may be installed in a vault such that there is a minimum of twelve inches between the bottom of the vault and the bottom of the assembly so the top of the assembly is not more than a maximum of eight inches below grade, and there is a minimum of twenty four inches of clearance between the side of the vault and the side of the assembly. There shall be a

minimum of twelve inches clearance from the end of the assembly to the end wall surface of the vault. In vaults without a fully removable top, a minimum headroom of 6 feet 0 inches is required. An access opening a minimum of twenty four inches square is required on all vault lids. The vault must have adequate drainage to prevent flooding. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the assembly.

e. "Reduced Pressure Principle Assembly" means a backflow prevention assembly which has three main components consisting of a #1 check valve, #2 check valve, and a pressure differential relief valve, and two tightly closing shutoff valves on each side of the assembly. The assembly shall be installed as close to the service connection as is practical. The device shall be installed a minimum of 12 inches above grade and no more than 36 inches above grade measured from the bottom of the device without a permanently installed testing platform approved by the City Engineer. The device shall be installed with a minimum of twelve inches side clearance. All test cocks shall be readily accessed and capped.

(4) Cross-Connection: "Cross connection" shall mean any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other service which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow ( bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections).

(5) Fire Service: "Fire service" is any service installed for the specific purpose of fire protection ( hose connection or sprinklers).

(6) Normal Working Hours: "Normal working hours" means any normal work day Monday through Friday (except holidays) between the hours of 8:00 a.m. and 5:00 p.m.

(7) User: "User" means any person, corporation, or other entity using water through an established service line.

(8) Water Main: "Water main " shall mean any pipe owned by the City of Sweet Home laid in a street, alley, easement, or on City property, and used or intended to be used for the distribution of water to customers through service lines.

Section 2. The person(s) opening a water account and person(s) occupying the premises served shall be responsible for payment of all charges prescribed in this ordinance. Service may be denied to any person who has left an unpaid water bill at another address, until such bill is paid.

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.

When more than one house or premises is permitted to connect to one water meter, customer service lines shall be arranged so that the supply to each separate residence or premises shall be controlled by a separate valve. One person shall pay for all the water used through such meter.

Section 3. Rates shall generally be charged for the use of the said water service using a monthly base charge established by meter size selection and a commodity charge based on the volume of water used, and the charges based upon said rates shall be payable at City Hall. All bills are due when mailed and shall become delinquent if not paid within 15 days. If a bill is not paid by the time it becomes delinquent, a delinquent notice shall be mailed to the customer. If the bill is not paid by the date specified in the delinquent notice, the City Manager shall have the authority to deprive the property concerned of said water service for failure to pay the water service charges and fees, and the service shall not be resumed until satisfactory arrangements for payment have been made with the City. Service may be denied to any person until restitution has been made for any damage or loss of revenue

resulting from tampering with or bypassing water meters or locking devices. The City Manager shall have authority to adjust or waive fees as appropriate.

Section 4. Fees shall be made as established by City Council Resolution for:

- a. Reinstating water service to any property deprived of such service under the foregoing Section 3;
- b. Turning water service on that has been turned off without permit by persons other than City employees under Section 9 of this ordinance;
- c. Turning off and turning on water service during regular and after hours;
- d. Re-reading the water meter at the request of the user, if the previous reading was correct;
- e. Calibration or re-installation of water meters at the request of the user if the previous meter was registering correctly;
- f. Lien search;
- g. Vacationer's water on/off;
- h. Tampering with water meter effecting register;
- i. Special water usage fee;
- j. Water deposits;
- k. Temporary water service fee;
- l. Plan review fee for required backflow devices;
- m. Notifying user of delinquent bill by hanging said notice on door.

Section 5. The rates for water use shall be set by City Council Resolution.

Costs for installing City service lines and water meters outside the City shall be calculated on an individual basis. The City will own and maintain the water meter.

For water users outside the City limits, the rate charge shall be one and one-half times the rate charge to water users within the City limits.

All fire lines shall be metered by the City at the owner's expense, if the owner is found to be using the water for other than fire protection.

The City Manager shall cause a review of water rates to be made each February of the year to determine what rate charges, if any, are to be considered by the City Council.

Section 6. Water Account Deposits

- a. A deposit as set by resolution shall be required in advance on each new water account and for each customer whose water service has been turned off for non-payment, before water service is to commenced or resumed, except in the case of authorized rental property managers requiring temporary water service of 72 hours or less. The authorized rental property manager will pay a non-refundable service fee as set by resolution in advance for each request for temporary service, plus actual water usage in excess of one hundred cubic feet. Temporary service for

more than 72 hours shall require a full deposit plus actual water usage in excess of one hundred cubic feet. The temporary service deposit will be refunded on the regularly scheduled billing date, less the dollar amount for actual water usage in excess of one hundred cubic feet. Temporary service in all cases is Thirty (30) Days or less. Minimum charge for temporary service shall be no less than as set by resolution plus actual water usage in excess of one hundred cubic feet.

b. The City shall pay interest at the current rate paid the City by its bank when the deposit is applied, refunded or paid on any termination of the account.

c. Upon any termination of the water service, the deposit and any accrued interest shall be applied as payment on the account and the balance shall be refunded.

d. When an owner resides on his property, has paid the water deposit, and has maintained a good payment record on his water bills continuously for one year, then upon request by the owner, the City shall refund the deposit, plus accrued interest to the owner.

e. Fees for special portable metered, or estimated, water usage, i.e., swimming pool fills, tanker fills and street sweeper fills, and other usage as required, shall be established by Council resolution. Such usage must be with permit as approved by the City Engineer.

f. 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. This section does not apply to the Public Works or Fire Departments of the City. Violations of this sub-section will be prosecuted under the criminal laws of Sweet Home and the State of Oregon. **A licensed and bonded professional plumber may receive a special annual permit from the City Engineer to operate residential service valves when making repairs. There shall be no fee for said permit.**

Section 7. All revenues received by the City from such waterworks system shall be separately kept by the Treasurer of the City of Sweet Home from all other funds and shall show all receipts in, and disbursements from, said fund, and the purposes to which the disbursements have been applied.

Section 8. No new water service shall be installed by the City until the potential customer has installed a cutoff, or "yard valve", between the meter and the outlet. The City of Sweet Home reserves the right to refuse or discontinue water service to any premises where the City Engineer of the City of Sweet Home has determined that the plumbing facilities, appliances, and/or equipment using water are not installed and/or operation in accordance with the Oregon State Health rules and plumbing code of the City of Sweet Home and endanger the public health. Water service may be refused to any premises as long as said conditions exist. However, water service that is being furnished to an occupied premises may be discontinued only after notice of the condition of the plumbing that endangers the public health has been mailed by certified or registered mail to the owner of record, and said notice also has been given to the occupant of the premises, either personally by posting the notice on the premises or by mailing the notice to him by certified or registered mail at least 7 days prior to the time that the water service is terminated unless immediate emergency action is required.

a. If shortage of water exists, the City may restrict the use of water as determined by the City.

Section 9. Unless the cut-off valve is on the user's side of the water meter, it is unlawful for any person to turn on or off any cut-off valve controlling water service to any property, or to not obtain a permit from the City Engineer prior to taking water from the City water system. Violations of this ordinance constitute an infraction and may be prosecuted under the provisions of SHMC Chapter 9.36 as now enacted or hereafter amended, except for Section 6(f) of this ordinance, in addition to any other legal remedies available to the City.

Section 10. The City Manager may prescribe such rules and regulations as necessary for carrying out the provision of this ordinance.

**Section 11.** A yard valve will be installed by the City on all existing services by July 1, 2000. The yard valve shall be on the owners side of the meter. Installation will require notification of the owner. Upon installation the valve becomes the property of the owner to have and forever maintain.

**Section 12. Backflow Prevention**

The City is authorized by the "State Drinking Water Act" PL 93-523 and Oregon Administrative Rules Chapter 333 "Public Water System", to achieve compliance with any cross-connection control requirements set forth by the "U.S. Environmental Protection Agency". Cross-connections shall be prohibited and protection provided against such cross-connection. The City may require that all backflow assemblies installed on fire protection services be tested annually.

No person shall connect, unless an approved backflow prevention device is used, any pump or other apparatus to any water main or service connection connected to the City of Sweet Home water system which is capable of introducing any foreign liquid or material into said system. The existence of any cross-connection, whether open or not, shall be found cause for the water to be turned off and/or completely disconnected from the City service line.

**An approved backflow device shall be installed so as to isolate the fire suppression pipe network from the potable water system for the user residence. An additional backflow device shall be installed on the service line as near to the meter as possible for protection of the City water supply or as determined by the City Engineer.**

For use of private water and city water, approved backflow prevention devices for protecting community water systems shall be installed on the service connection to premises where there is an auxiliary water supply which is or can be connected to the water piping.

**Approved backflow assemblies shall have at least the same cross sectional area as the water meter size or the line diameter if smaller. If a continuous water supply is necessary, two sets of approved backflow assemblies shall be installed in parallel. Where parallel assemblies are required, the sum of the cross sectional areas shall be at least equivalent to the cross sectional area of the meter.**

**There shall be no outlet, tee, tap, or connection of any sort between the water meter and the approved backflow assembly. A "Y" strainer and/or pressure reducing valve installed before the approved backflow assembly are the only exceptions.**

**Approved backflow assemblies shall not be bypassed, made inoperative or removed without specific written authorization from the City Engineer.**

**(1) Removal.** The user of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the City Engineer to verify that a hazard no longer exists or is not likely to be created in the future;

**(2) Relocation.** An assembly may be relocated following confirmation by the City Engineer that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device;

**(3) Repair.** An assembly may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the City Engineer. A retest will be required following the repair of the assembly.

**(4) Replacement.** An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed. All replacement assemblies must be approved by the Oregon Health Division and commensurate with the degree of hazard.

Owners of any premises on which, or on account of which, backflow assemblies are installed, shall have the assemblies tested by a certified backflow prevention assembly tester licensed by the Oregon Health Department (Drinking Water Division). Backflow assemblies must be tested at a minimum of annually and immediately after installation, relocation, or repair. The City Engineer may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed in service unless it is functioning as required. A report form provided by the City must be filed with the Public Works Office each time the device is tested, relocated or repaired. These devices shall be serviced, overhauled or replaced whenever they are found to be defective and all costs of testing, repair and maintenance shall be born by the water user. The Public Works Department will supply affected water users with a list of persons Certified by the State of Oregon Health Department (Drinking Water Division) upon request.

The City Engineer shall review all requests for new services to determine if backflow protection is required. Plans and specifications must be submitted to the City Engineer upon request for review of possible cross connection hazards as a condition of service. No review fee will be required if no hazzard or potential hazzard exists. If it is determined that a backflow prevention assembly is necessary to protect the public water system, a review fee as set by resolution will be required for each device installed. The required device must be installed before service will be granted.

The City Engineer may require an on-premises inspection to evaluate cross connection hazards. Any customer who cannot or will not allow an on-premises inspection of their piping system shall be required to install the backflow prevention assembly that the City Engineer considers necessary.

The City Engineer may require a reinspection for cross connection hazards of any premises to which water is serviced by the department. Any customer who cannot or will not allow an on-premises inspection of their piping system shall be required to install the backflow prevention assembly that the City Engineer considers necessary.

#### **CUSTOMER NOTIFICATION FOR CROSS CONNECTION PROGRAM INSPECTION**

1. The City Engineer shall notify the water user of the cross connection inspection findings, listing corrective action to be taken if required. A period of 30 days shall be given to complete all corrective action required including installation of backflow prevention assemblies.

2. A second notice shall be sent to each water user who does not take the required corrective action prescribed in the first notice within the thirty-day period allowed. The second notice shall give the water user a two week period to take the required corrective action. If no action is taken within the two-week period, the water service to the affected water user shall be terminated until the required corrective actions are taken.

3. The City Engineer shall notify each affected water user when it is time for the backflow prevention assembly installed on their service connection to be tested. This written notice shall give the water user thirty days to have the device tested and supply the Public Works Department with the necessary form documenting the test.

4. A second notice shall be sent to each water user who does not have his/her backflow prevention device tested as prescribed in the first notice within the thirty-day period allowed. The second notice shall give the water user a two week period to have his/her backflow prevention assembly tested. If no action is taken within the two-week period, the City Engineer will terminate water service to the affected water user until the subject device is tested.

**5. When the City Engineer encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the City Engineer shall institute the procedure for terminating the water service. Conditions or water uses that create a basis for immediate water termination are as follows;**

- a. Refusal to install the required backflow prevention assembly.**
- b. Refusal to test a backflow prevention assembly.**
- c. Refusal to repair a faulty backflow prevention assembly.**
- d. Refusal to replace a faulty backflow prevention assembly.**
- e. Removal and/or bypassing without prior approval of a backflow assembly where required.**
- f. Direct or indirect connection between the public water system and a sewer line.**
- g. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.**
- h. Unprotected direct or indirect connection between the public water system and an auxiliary water system.**
- i. A situation which presents an immediate health hazard to the public water system.**
- j. Nonsubmission of records of tests, repairs and maintenance to the department upon a second letter request of their submission.**

**Section 13.** Any person designated by the City may inspect, at reasonable hours of the day, the exterior parts of the building and premises 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, or interior portions as allowed by law. Such designated representative will present proper identification, if requested.

Water may be turned off from the mains without notice for repair or other necessary purposes. The City is not responsible for any consequent damages.

Water for steam boilers shall not be furnished by direct pressure from the City mains.


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.

**Section 14.** The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

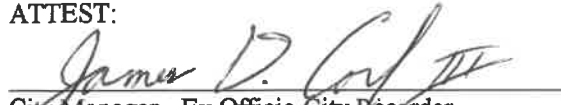
**Section 15.** Ordinance No. 1025 and all ordinances amending Ordinance No. 1025 are hereby repealed. The repeal of an ordinance, or part thereof, shall not preclude action against a person or property that is in violation of said ordinance before the effective date of the repeal.

**Section 16. Emergency Clause.** The City Council hereby determines that existing conditions are such that this ordinance is immediately necessary for the protection of the present health, safety and good of the City of Sweet Home and the property owners and citizens thereof and, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately after its passage by the Council and approval by the Mayor.

PASSED and approved by the City Council of Sweet Home this 14th day of January, 1997.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Manager - Ex Officio City Recorder