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**Bend Water Department  
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## **TITLE 14 – WATER**

### **CHAPTER 14.10 WATER**

#### **14.10.010 Restrictions on Use**

- (1) City water customers may use City water only for purposes stated in the customer's application for City water service. All City supplied water must be used on the premises where service is provided unless written City permission is obtained.
- (2) No person other than the City may sell water by piped delivery to a property without a City franchise. No person may resell water delivered to it by the City without written City permission.

#### **14.10.020 Use of City Water Facilities**

- (1) No person other than a City employee in the course and scope of employment may open or in any way tamper with any portion of the City water distribution system, including valves, water meters and fire hydrants, without a City permit.
- (2) No person shall interfere with access to any City water facilities, including valves, water meters and hydrants. Interference with access to facilities includes placing any materials on or near a facility that makes access more difficult or delays access.

#### **14.10.030 Connections to City Water System**

- (1) No person may connect to the City water system without permission from the City or turn on a connection that has been shut off by the City.
- (2) All developed properties must connect to the City water system or a franchised water system if water service is available from the City or franchised system. Water service is considered available if a water main from which service may be taken is within 300 feet of the property. Any developed property within 500 feet of a fire hydrant must either connect to the City water system or a franchised water system or pay a fire flow access fee in an amount set by Council resolution. If a separate fire flow access fee is not established, the fire flow access fee shall be the lowest minimum base charge for service.
- (3) The City Manager may adopt regulations governing connections to the City water system.

#### **14.10.040 Extraterritorial Connections**

- (1) Except to comply with contractual obligations incurred prior to January 1, 2011, the City will not provide water service outside the City's Urban Growth Boundary.
- (2) The City may provide water service outside the City limits only if the property owner enters into an annexation agreement with the City.

#### **14.10.050 Standards and Specifications**

Developers that provide water system infrastructure must construct the infrastructure in compliance with the City's Standards and Specifications and consistent with the City's Water System Master Plan.

#### **14.10.060 Ownership**

- (1) The City owns its public water supply system, including water rights, wells, pumps, water delivery system, water treatment facilities, raw and treated water storage facilities, and the distribution system (mains) to and including water meters. All lines and other facilities beyond the water meter are private property and the responsibility of the property owner whose property is served. The property owner is responsible for the customer service line (the line leading out from the water meter), even those portions of the customer service line in the right of way.
- (2) For fire suppression lines that do not have premise isolation at the property line, the property owner is responsible for lines that provide fire suppression service to the point that the fire suppression line connects with a City main.

#### **14.10.070 Fees and Charges**

- (1) Persons receiving water service shall pay the City the fees established by council resolution for the service. All properties connected to the City's system shall pay at least a minimum charge. For purposed of this section, a property is considered connected to the City's system even if service has been turned off.
- (2) The City shall bill for water service on a monthly basis, and may establish different billing dates for different customers. Payment is due 13 days after the billing date. If a customer has not paid for the last two billing cycles, the City will send a shut- off notice any time after the due date for the second unpaid bill. The shut-off notice will specify the date by which payment in full must be made, which must be at least 10 calendar days after the shut-off notice. The City may add a fee to be set by Council resolution to cover the cost of the shut-off notice.
- (3) The City may combine billing for sewer, stormwater and other utilities and services with its water utility billing. If less than full payment is received,

payment will be applied first to any service other than water, stormwater or sewer utilities, second to stormwater service, third to sewer service, and last to water service.

#### **14.10.080 Meters**

All water service other than service solely to a fire suppression system shall be metered. All service solely to a fire suppression system shall have at a minimum have a detect meter.

### **CHAPTER 14.20 USE OF WATER**

#### **14.20.010 Applicability**

- (1) This Chapter applies to all City of Bend water customers.
- (2) This Chapter also applies whenever:
  - (A) Water flows onto or accumulates in publicly owned right of ways,
  - (B) Water flows onto adjoining properties from irrigation systems, drains, or other non-natural water sources on a property, or
  - (C) Has an impact that violates or may lead to a violation of stormwater regulations or permits.

#### **14.20.020 Water Waste Prohibited**

Water shall be used only for beneficial uses. Water waste is prohibited.

#### **14.20.030 Water Waste Defined**

- (1) Water waste includes:
  - (A) Applying more water than is reasonably necessary to establish and maintain a healthy landscape.
  - (B) Applying water intended for irrigation to an impervious surface, such as a street, parking lot, alley, sidewalk or driveway. Water that travels beyond the property line is considered water waste. Allowing water to flow onto adjoining properties due to poorly designed, maintained or adjusted irrigation systems that allow water to be applied beyond intended irrigated areas or spray or run off onto adjoining walls or fences.
  - (C) Allowing water to pool or flow across the ground or into any drainage way, such as gutters, streets, alleys or storm drains.

- (D) Failing to repair, for a period of more than ten business days after notice, leaking, misadjusted or damaged irrigation components, service lines or other plumbing fixtures.
- (E) Washing vehicles, sidewalks, driveways, or other hardscape areas with a hose end that lacks a shut-off valve.

**14.20.040 Emergency Water Use Curtailment**

- (1) The City Manager is authorized to determine the need for water curtailment and to declare a water curtailment stage. Curtailment Plan provisions as contained in the State-approved Water Management and Conservation Plan (WMCP), will remain in effect until the City Manager terminates the curtailment requirement. Actions may be applied to the entire system, or only to those water use sectors, or those geographic areas that are directly affected by any water supply shortage.
  - (A) Stage 1: Water Shortage Alert. Forecast of below normal summer stream flows, forecasts of above normal temperatures, minor damage to transmission mains or distribution system, Minor mechanical or electrical malfunction at one to three wells.
  - (B) Stage 2: Mild Water Shortage. Demand Reduction Target 10 percent of Maximum Daily Demand; Supply capacity is 91 to 100 percent of demand, mechanical or electrical malfunction at four to seven wells, extended periods of above normal temperatures or below normal stream flows, declaration of drought by Governor pursuant to ORS 536.720, Extensive damage to water supply infrastructure.
  - (C) Stage 3: Serious Water Shortage. Demand Reduction Target 20 percent of Maximum Daily Demand; Supply capacity is 81 to 90 percent of demand, mechanical or electrical malfunctions at 8 to 12 wells, imminent terrorist threat against supply system, Multiple failures to transmission mains or distributions system.
  - (D) Stage 4: Severe Water Shortage. Demand Reduction Target 40 percent of Maximum Daily Demand; Supply capacity is less than 81 percent of demand, Loss of utility electrical service to wells, Fire in Bridge Creek watershed or near wells, contamination of source of supply, extensive damage to transmission, pumping, or treatment processes caused by natural disaster or any other event, intentional acts or fire, contamination of source, or any other event resulting in an immediate sustained deprivation of water supply.

#### **14.020.050 Irrigation Hours**

- (1) Irrigation hours apply all year.
- (2) Irrigation is not allowed between the hours of 9:00 a.m. and 5:00 p.m.
- (3) Even address numbers may water only on even numbered days of the month.
- (4) Odd address numbers may water only on odd numbered days of the month.
- (5) Watering is allowed for all addresses on the 31st day of the month.
- (6) These regulations apply to hoses or hose-end devices left unattended.
- (7) These regulations do not apply to watering by hand-held hose while continuously being attended.
- (8) For the purpose of determining if an address is watering on an even or odd day, it is the day in which the first irrigation cycle begins.

#### **14.20.060 Exceptions and Variances**

- (1) The following activities are exempt from the day and time restrictions of this Chapter:
  - (A) Watering for up to 21 days to establish new turf from seed or sod.
  - (B) Watering for new plant material such as flowers, trees, shrubs on the day of planting.
  - (C) Watering essential to preserve turf subject to heavy public uses.
  - (D) Watering or operating an irrigation system for installation, repair, adjustments, locating sprinkler heads or lines or other reasonable maintenance related uses, so long as the system is attended throughout the period of operation.
- (2) Water Utility Staff may allow temporary variances for reasonable cause to allow for special circumstances not described in this code, including the use of new irrigation technology.

#### **14.20.070 Penalty**

Any violation of this Chapter is a Class "B" Civil Infraction.

## CHAPTER 14.30 CROSS CONNECTION CONTROL FOR WATER SYSTEMS

### 14.30.010 Purpose

The purpose of this Chapter is to protect the water supply and distribution system of the City from contamination or pollution from cross connections.

### 14.30.020 Definitions

The following definitions apply in this Chapter. Terms used in this Chapter and not defined in this section shall have the meaning defined in Oregon Administrative Rules, Chapter 333, or the Manual of Cross Connection Control published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California.

- (1) "Backflow" means 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.
- (2) "Certified Backflow Assembly Tester" means a person who has successfully completed and maintains all requirements as established by the Department of Human Services - Health Services to be a Tester in the state of Oregon.
- (3) "Contamination" means the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.
- (4) "Cross Connection" means any physical arrangement where a potable water supply is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers or any other device which contains, or may contain, contaminated water, sewage or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices or other temporary or permanent devices through which or because of which backflow may occur, are considered to be cross connections.
- (5) "Degree of Hazard" means the non-health hazard or health hazard or high hazard classification that shall be assigned to all actual or potential cross connections.
- (6) "Double Check Detector Assembly" or "DCDA" means an assembly which consists of two independently operating check valves which are spring-loaded or weighted. The assembly comes complete with a shut-off valve on each side of the checks, as well as test cocks to test the checks for tightness. It shall also be

provided with a factory bypass arrangement with a meter and a minimum of an approved double check assembly.

- (7) "Health Hazard" means an actual or potential threat of contamination of a physical, chemical or biological nature to the public potable water system or the consumer's potable water system that would be a danger to health.
- (8) "Mobile Units" means units that are temporary in nature, connecting to the water system through a legally-permitted hydrant, hose bib, or other appurtenance of a permanent nature that is part of the City's water system or a permanent water service to a premise. Examples can include but are not limited to the following: water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste hauler's trucks or units, sewer cleaning equipment, carpet or steam cleaning equipment other than homeowner use, rock quarry or asphalt/concrete batch plants or any other mobile equipment or vessel that poses a threat of backflow in the City Water System. Uses that are excluded from this definition are recreational vehicles at assigned sites or parked in accordance with other City policies pertaining to recreational vehicles and homeowner devices that are used by the property owner in accordance with other provisions of this, or other, City policies pertaining to provision of water service to a premise.
- (9) "Non-health Hazard" means the classification assigned to an actual or potential cross connection that could allow a substance that may be objectionable, but not hazardous to one's health, to backflow into the potable water supply.
- (10) "Pollution Hazard" means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system, but which would not constitute a health or system hazard, as defined. The maximum intensity of pollution to which the potable water system could be degraded under this definition would cause minor damage to the system or its appurtenances.
- (11) "Reduced Pressure Principle Backflow Prevention Assembly" or "Reduced Pressure Principle Assembly" means an assembly containing two independently-acting approved check valves together with a hydraulically-operated, mechanically-independent pressure differential relief valve located between the check valves, and at the same time, below the first check valve. The assembly shall include properly located test cocks and two tightly closing shut-off valves.

#### **14.30.030 Application**

The Chapter applies to all premises served by the City Water System, regardless of date of connection.

#### **14.30.040 Cross Connection Regulations**

- (1) All cross connections must be installed used and maintained in compliance with this Chapter.
- (2) The City may survey and inspect to determine if any actual or potential cross connection exists and order the installation of an assembly meeting City standards and specifications be installed at the service connection.
- (3) The owner, occupant or person in control of any given premises is responsible for all cross connection control within the premises, including purchase, installation, testing, repair and maintenance of backflow prevention assemblies.
- (4) Reduced Pressure Backflow Assembly must be installed and maintained when required by state regulations as determined by the City.

#### **14.30.050 Backflow Prevention Assembly Requirements**

The City shall determine the type of backflow assemblies to be installed. All assemblies shall be installed at the service connection unless the City approves installation at the point of use. An approved assembly shall be required in the following circumstances:

- (1) Where any material dangerous to health could enter the City's water system, the water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention assembly.
- (2) When the nature and extent of any activity at a premise, or the materials used in connection with any activity at premises, or materials stored at a premise, could contaminate or pollute the potable water supply.
- (3) When a premise has one or more cross connections.
- (4) When internal cross connections are present that are not correctable.
- (5) When intricate plumbing arrangements are present making it impractical to ascertain whether cross connections exist.
- (6) When the premise has a repeated history of cross connections being established or re-established.
- (7) When entry to the premises is restricted so that surveys for cross connections cannot be made with sufficient frequency to assure cross connections do not exist.
- (8) When materials are being used that would result in a health hazard if backflow occurred.



- (9) When an appropriate cross connection survey report form has not been filed with the City.
- (10) Any and all used-water return systems.
- (11) If a point-of-use assembly has not been tested or repaired as required by this Ordinance, the installation of a reduced pressure principle assembly will be required at the service connection.
- (12) There is piping or equipment for conveying liquids other than potable water and the piping or other equipment is under pressure and installed and operated in a manner that could cause a cross connection.
- (13) When any type of chemical spray attachment is connected to the plumbing, including garden hose fertilizers and pesticide applicators, without proper protection from the potential of backflow occurring.
- (14) The use of any type of radiator flush kits attached to the plumbing without proper protection from backflow occurring.
- (15) Wherever reclaimed water or ditch water is used on premises.
- (16) When there is a premise with an auxiliary water supply which is interconnected to the City Service System.
- (17) Any other situation in which the City determines that a backflow prevention assembly is appropriate.

**14.30.060 New Construction**

- (1) On all new non-residential construction, an approved backflow assembly shall be installed at the service connection. The type of the assembly will be commensurate with the degree of hazard as determined by the City.
- (2) When a building is constructed on commercial premises, and the end use of the building is not determined or could change, a reduced pressure principle backflow prevention assembly shall be installed at the service connection to provide protection of the public water supply in the event of the most hazardous use of the building.

**14.30.070 Retrofitting**

Retrofitting shall be required at all service connections where an actual or potential cross connection exists, and wherever the City deems retrofitting necessary to comply with the state regulations or this Chapter.

#### **14.30.080 Irrigation Systems**

All irrigation systems shall be protected according to Uniform Plumbing Code regulations. In the event any system is equipped with an injector system, a reduced pressure principle assembly will be required.

#### **14.30.090 Thermal Expansion**

If a closed system has been created by the installation of a backflow prevention assembly, or other appurtenances, it is the responsibility of the property owner, the occupant, or person in control of the property to eliminate the possibility of damage from thermal expansion in accordance with the Uniform Plumbing Code.

#### **14.30.100 Mobile Units**

Any mobile unit that uses the water from any premises served by the City Water system, must obtain a permit from the City and be inspected to assure an approved air gap or reduced pressure principle assembly is installed on the unit.

#### **14.30.110 Installation**

- (1) All backflow prevention assembly installations shall comply with City Standards and Specification and applicable State regulations.
- (2) If the premise isolation assembly is allowed to be installed at a location other than the point of connection to the City water system, the City must have access to the assembly. No connections can be made between the meter and the backflow assembly.
- (3) The type of backflow prevention assembly required shall be commensurate with the degree of hazard that exists and meet standards set by State regulations.

#### **14.30.120 Pressure Loss**

Any decrease in water pressure caused by the installation of a backflow assembly is not the responsibility of the City

#### **14.30.130 Fire Systems**

- (1) An approved double check detector assembly shall be the minimum protection on all new fire sprinkler systems using piping material that is not approved for potable water use, and/or that does not provide for periodic flow-through. A reduced pressure principle detector assembly must be installed, if any solution other than potable water can be introduced into the sprinkler system. Retrofitting on fire sprinkler systems will be required in each of the following circumstances:

- (A) When improper maintenance has occurred;
  - (B) On all high hazard systems;
  - (C) When the City deems necessary; or
  - (D) When required by state regulations.
- (2) In the event an assembly is installed on a designated lateral, a detector assembly commensurate with the degree of hazard will be required consistent with State regulations and in a location approved by the City.

**14.30.140 Temporary Meters and Hydrant Valves**

Backflow protection is required on all temporary meters and hydrant valves before use. The type of assembly will be commensurate with the degree of hazard and will be determined on a case-by-case basis by the City.

**14.30.150 Access to Property**

City personnel may enter property to which the City provides water service during reasonable hours for the purpose of determining compliance with this Chapter or if backflow prevention devices are needed. If any owner, occupant or person in control refuses City personnel access, a reduced pressure principle assembly must be installed at the service connection.

**14.30.160 Annual Testing and Repairs**

All backflow prevention assemblies shall be tested immediately upon installation, and at least annually thereafter by a certified backflow assembly tester at the expense of the property owner, tenant or other person in charge of the property. All assemblies found not functioning properly shall be promptly repaired or replaced at the expense of the owner, occupant or person in control of the premises. An assembly must be retested immediately if moved, repaired or replaced.

All repairs on backflow assemblies must be performed according to state regulations and the City's standards and specifications.

**14.30.170 Maintenance of Assemblies**

Backflow prevention assemblies shall be maintained, tested and repaired in accordance with this Chapter and applicable regulations. The assembly owner is responsible for protecting the assembly from freezing, vandalism or other damage. If an assembly is not properly tested and repaired, the City will have the assembly tested and repaired and apply all costs associated with this to the water bill issued for the premises.

**14.30.180 Backflow Assembly Testers**

Only state-certified backflow assembly testers may test backflow assembly devices. Backflow assembly testers shall submit records of all backflow assembly test repairs to the City within ten business days of completing the test.

**14.30.190 Costs of Compliance**

- (1) All costs associated with purchase, installation, surveys, testing, replacement, maintenance, parts and repairs of the backflow prevention assembly, and all costs associated with enforcement of this Chapter, are the financial responsibility of the property owner, occupant, or other person in control of the premises.
- (2) Any person violating any of the provisions of this Chapter and who causes damage to or impairs the City System, including, but not limited to, allowing contamination, pollution, any other solution or used water to enter the City Water System, shall be liable to the City for any expense, loss or damage caused by the violation. The City shall collect from the violator the cost incurred by the City for any cleaning, purifying, repair or replacement work or any other expenses caused by the violation. Refusal to pay the assessed costs shall constitute a violation and shall result in termination of service.
- (3) All cost associated with any disconnect or reconnect fees resulting from the enforcement of this Ordinance are the sole responsibility of the water utility account holder and/or owner of the premises.

**14.30.200 Termination of Service**

Failure of any owner, occupant or person in control of the premises to install a required assembly, have it tested annually and/or to discontinue the use of all cross connections and to physically separate cross connections in accordance with this Chapter is sufficient cause for the discontinuance of public water service to the premises pursuant to applicable State regulations. In an emergency or where an immediate threat to life or public health is found to exist, discontinuance or termination of public water the City may immediately terminate service to the premises.

The City may, at the property owner's expense, install a reduced pressure assembly at the meter. Testing, maintenance and repair of the assembly will be the responsibility of the property owner or service recipient.

**CHAPTER 14.40 PROHIBITION OF THE ADDITION OF FLUORIDE COMPOUNDS TO THE CITY WATER SUPPLY**

**14.40.005 Fluoridation Prohibited**

No person may cause fluoridation of the Bend water supply or system or install machinery intended to be used for fluoridation as part of Bend's water system.

Enacted by Ordinance 2182 on April 18, 2012.