

City of Dayton

41-00252

- (3) Third violation of same type - Class B Violation, subject to a fine of up to \$250 per day.
- (4) Fourth and subsequent violations of same type - Class A violation, subject to a fine of up to \$500 per day.
- (5) Third and subsequent violations under a Grade 3 Water Emergency may include water shut-off to residence or business.
- (6) In addition, the city may bring an action against any person, entity, or other water user violating the terms of any restriction or limitation imposed by the city pursuant to Section 6.10.23 of the Dayton Municipal Code. In such event, the city shall be entitled to all costs and expenses (including attorney's fees) caused or resulting from the user's failure or refusal to comply with the terms of the restrictions imposed by the City Administrator or City Council.

8.2.24.6

Repeal of Water Restriction, Crisis, or Emergency.

The City Administrator, after consultation with the Mayor, and notification of City Councilors, may repeal or declare a lower level of water restriction, crisis, or emergency when reservoir levels have been maintained at the following levels for a minimum of 7 consecutive days and no other factors such as natural disaster, abnormally high temperatures, line or equipment failures might impact the ability to maintain these minimum levels:

- (1) **Repeal of Grade 1.** Reservoir levels must be maintained at 60% or higher.
- (2) **Repeal of Grade 2.** Reservoir levels must be maintained at 50% or higher.
- (3) **Repeal of Grade 3.** Reservoir levels must be maintained at 40% or higher.

8.3 **WATER SUPPLY CROSS CONNECTION**

8.3.1

Cross Connections. The installation or maintenance of a cross connection which will endanger the water quality of the potable water supply system of the city shall be unlawful and is prohibited. Any such

cross connection now existing or hereafter installed is declared to be a public hazard and the same shall be abated. The control or elimination of cross connections shall be in accordance with this section of the Code and with the Oregon Administrative Rules Chapter 333 Public Water Systems Section 61-070. The city administrator shall have the authority to establish requirements more stringent than state regulations if it is deemed that conditions so dictate. The city shall adopt rules and regulations as necessary to carry out the provisions of this section of the Code in the inspection of existing, new and remodeled buildings.

8.3.2 Use of Backflow Prevention Devices.

- (1) No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state law and Section 8.3 of this Code. Service of water to any premises shall be discontinued by the city if a backflow prevention device required by this Code is not installed, tested and maintained, or if it is found that a backflow device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- (2) The customer's system should be open for inspection and tests at all reasonable times to authorized representatives of the city to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the city administrator shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.
- (3) An approved backflow prevention device shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.
- (4) Backflow prevention devices shall be installed under circumstances including but not limited to the following:
 - (a) Premises having an auxiliary water supply;

- (b) Premises having cross connections that are not correctable, or intricate planning arrangements which make it impractical to ascertain whether or not cross connections exist;
- (c) Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross connections do not exist;
- (d) Premises having a history of cross connections being established or reestablished;
- (e) Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters;
- (f) Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a serious health hazard might result;
- (g) The following types of facilities will fall into one of the above categories where a backflow prevention device is required to protect the public water supply. A backflow prevention device shall be installed at these facilities unless the city determines that no hazard exists:
 - 1) Hospitals, mortuaries, clinics,
 - 2) Laboratories,
 - 3) Metal plating industries,
 - 4) Piers and docks,
 - 5) Sewage treatment plants,
 - 6) Food or beverage processing plants,
 - 7) Chemical plants using a water process,
 - 8) Petroleum processing or storage plants,

- 9) Radioactive material processing plants or nuclear reactors,
 - 10) Facilities with fire service lines as specified by Oregon State Health Division,
 - 11) Others specified by the purveyor.
- (5) The type of protective device required shall depend upon the degree of hazard which exists:
- (a) An air-gap separation or a reduced-pressure principle backflow prevention device shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which could cause a health or system hazard;
 - (b) In the case of a substance which may be objectionable, but not hazardous to health, a double check valve assembly, air-gap separation, or a reduced-pressure-principal backflow prevention device shall be installed.
- (6) Backflow prevention devices required by this section shall be installed under the supervision, and with the approval of, the city or its building inspector.
- (7) Any protective device required by this section of the Code shall be approved by the superintendent of public works or the building inspector.
- (8) These devices shall be furnished and installed by, and at the expense of, the customer.
- (9) It shall be the duty of the customer-user at any premises where backflow prevention devices are installed to have certified inspections and operational tests made at least once each year. In those instances where the superintendent of public works deems the hazard to be great enough, he may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by a certified tester approved by the city. It shall be the duty of the superintendent of public works to assure that these timely tests are made. The customer-user shall notify the superintendent of public works in advance when the tests are to be undertaken so that the superintendent of public works or a representative may witness the tests if so desired. These devices shall be repaired, overhauled or

replaced at the expense of the customer-user whenever said devices are found to be defective. Records of such tests, repairs and overhaul shall be kept and copies sent to the superintendent of public works.

- (10) No underground sprinkling device will be installed without adequate backflow prevention devices.
- (11) Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by Section 8.3 of this Code or by state law shall be grounds for the termination of water service to the premises.

8.3.3 Cross Connection Inspection.

- (1) No water shall be delivered to any structure hereafter built within the city of Dayton or within areas served by city water until the same shall have been inspected by the city for possible cross connections and been approved as being free of same.
- (2) Any construction for industrial or other purposes which is classified as hazardous facilities where it is reasonable to anticipate intermittent cross connections, or as determined by the city administrator or his/her designated representative, shall be protected by the installation of one or more backflow prevention devices at the point of service from the public water supply or any other location designated by the city.
- (3) Inspections shall be made at the discretion of the city administrator or his/her designated representative of all buildings, structures, or improvements for the purpose of ascertaining whether cross connections exist. Such inspections shall be made by the city.

8.3.4 Liability. Section 8.3 through 8.3.3 shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or testing herein, or the failure to inspect or test or by reason of approval of any cross connections.

8.3.5 Penalties. Violation of any rule or regulation contained herein shall constitute a Class A violation.

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