

**ORDINANCE NO. 215**

**AN ORDINANCE FIXING MONTHLY WATER RATES FOR THE USE OR WITHDRAWAL OF WATER FROM THE WATER SYSTEM OF THE CITY OF GATES; PROVIDING FOR THE FREQUENCY OF WATER METER READING; ESTABLISHING CUSTOMER DEPOSIT FEES FOR THE USE OF THE WATER SYSTEM; REQUIRING APPLICATION TO BE MADE AND PRESCRIBING REGULATIONS; SETTING FORTH WHEN MUNICIPAL WATER CHARGES BECOME DUE; PROVIDING FOR THE DISCONTINUATION OF MUNICIPAL WATER SERVICES FOR FAILURE TO PAY FEES; PROVIDING FOR THE RESPONSIBLE PERSON; ASSESSING ADMINISTRATIVE COSTS; SETTING FORTH A PROCEDURE TO CORRECT METER READING; PROVIDING FOR APPEAL THE AMOUNT OF A WATER BILL; REGULATING CROSS CONNECTIONS TO THE WATER SYSTEM AND ESTABLISHING STANDARDS THEREFORE; PROVIDING FOR BACK-FLOW PREVENTION, MEANS OF CONTROL AND STANDARDS THEREFORE; REPEALING ORDINANCE 146, ORDINANCE 128, AND ORDINANCE 128A; PROVIDING PENALTIES AND DECLARING AN EMERGENCY.**

**The City of Gates** ordains as follows:

[ Ordaining clause amended by Ord. No. 217, passed July 15, 2021 ]

**ARTICLE 1**

**Monthly Water Rates**

**Section 1.** Minimum Monthly Charge and Consumption Charge. The minimum monthly charge and consumption charge for use of water from the water system of the city of Gates for users thereof shall be:

- (A) Domestic Rates. The minimum monthly charge for use or withdrawal of water by domestic single user meters residing within the corporate limits of the city and using not more than 1,000 gallons of water during the month according to the users water meter, shall be \$59.90 on July 1, 2021.
  - 1) The consumption charge for water used by domestic single user meters in excess of 1,000 gallons during the month, as shown by the water meter, shall be charged an additional consumption rate of \$4.00 for each 1,000 gallons over the initial 1,000 gallons. If water consumption during the month exceeds 1,000 gallons per dwelling unit, the owner of the land upon which the users are located shall be responsible for any additional charges.
  - 2) In January 2022 and in January of each year thereafter, the monthly charge will increase by 1.5% over the rate paid during the previous year. The Gates City Council may raise this increase up to 3% or may forego any of these increases, upon determination that they are not necessary to provide for the system expenses.
- (B) Commercial, Industrial, Public Agency and Non-Profit Organization Rates. Commercial, industrial, schools, churches, public agency, and other similar users within the corporate limits of the city, and using not more than the gallons of water included in the meter rate, as set forth below, during the month according to the users water meter, shall be as charged the following monthly charges on July 1, 2021. In addition, the consumption

charge for water used in excess of the gallons of water included with the meter rate during the month, as shown by the water meter, shall be \$4.00 for each 1,000 gallons over the gallons included. In January 2022 and in January of each year thereafter, the monthly charge will increase by 1.5% over the rate paid during the previous year. The Gates City Council may raise this increase up to 3% or may forego any of these increases, upon determination that they are not necessary to provide for the system expenses.

- (C) The charge for use or withdrawal of water from the ***water system by users thereof residing outside said corporate limits***, and using not more than the gallons of water included in the meter rate as set forth below, during the month according to the users water meter, shall be 20 percent more than the current fee charged to persons residing within the city of Gates on July 1, 2021. In January 2022 and in January of each year thereafter, the monthly charge will increase by 1.5% over the rate paid during the previous year. The Gates City Council may raise this increase up to 3% or may forego any of these increases, upon determination that they are not necessary to provide for the system expenses.

<u>Single-User Meters</u>	<u>Inside City Meter Rate</u>	<u>Outside City Meter Rate</u>	<u>Gallons Included</u>
¾" or less meter	\$ 59.90	\$ 71.88	1,000
1"	100.04	120.48	1,670
1 ½"	143.76	172.51	2,400
2"	319.27	383.12	5,330
3"	599.00	718.80	10,000
4"	997.94	1,197.53	116,660

<u>Multiple-User Meters</u>	<u>Inside City Meter Rate</u>	<u>Outside City Meter Rate</u>	<u>Gallons Included</u>
¾" or less meter	\$ 59.90	\$ 71.88	1,000
1"	\$100.04	\$ 120.48	1,670
1 ½"	\$143.76	\$ 172.51	2,400
2"	\$319.27	\$ 383.12	5,330
3"	\$599.00	\$ 718.80	10,000
4"	\$997.94	\$1,197.53	116,660

(B) Volume Factor Meter Multipliers for Commercial, Industrial, Public Agency and Non-Profit Organization Single-User Meters:

Volume Factor Meter Multipliers
5/8-3/4"=1
1"=1.67
1 1/2"=2.40
2"=5.33
3"=10.00
4"=16.66

(C) Tank or Container Users. The city may approve filling a tank or container with water from a designated fire hydrant.

- 1) The tank or container shall first pass a safety inspection by public work's staff and be equipped with a backflow protection assembly.
- 2) The approved user will be by public work's staff to a designated fire hydrant. It shall be the responsibility of the user to log the withdrawal connections usage on a daily basis.
- 3) The minimum monthly charge for use or withdrawal of water by users as registered on the hydrant meter for use within the corporate limits of the city and using not more than 1,000 gallons of water during the month shall be \$71.88. Water used by the user in excess of 1,000 gallons during the month as shown by the hydrant water meter shall be \$4.00 for each 1, 000 gallons over the initial 1, 000 gallons. In January 2022 and in January of each year thereafter the monthly charge will increase by 1.5% over the rate paid during the previous year. The Gates City Council may raise this increase up to 3% or may forego any of these increases, upon determination of necessity to provide for the system expenses.
- 4) The charge for use or withdrawal of water from the water supply system by users as registered on the hydrant meter for use outside the corporate city limits, and using not more than 1,000 gallons of water during the month shall be 20 percent more than the current fee charged to persons residing within the city of Gates. Water used by the outside city limits user in excess of 1,000 gallons during the month as shown by the hydrant water meter shall be \$4.00 for each 1, 000 gallons over the initial 1, 000 gallons.

[Article 1 amended by Ord. No. 217, passed July 15, 2021]

## ARTICLE 2

### Connection to the Water System

#### Section 1. Property Owner and Customer Responsibility.

- (A) No plumber or other person shall make any connection with a city main or connect any pipe after it has been disconnected by the city; without first contacting the Public Works Superintendent, and obtaining a Marion County Building Inspection plumbing permit. The point of connection with the public water system shall be as determined by the city.
- (B) The Customer shall, at the Customer's own risk and expense, furnish, install and keep in good and safe condition, equipment that may be required for receiving, controlling, applying and utilizing water. The city shall not be responsible for loss or damage caused by the improper care or wrongful act of the Customer in installing, maintaining, using, operating or interfering with the equipment.
- (C) The service connection, whether located on public or private property, is the property of the city, and the city reserves the right to repair, maintain and replace it.
- (D) The service line between the meter and the residence shall have a separate shutoff valve between the water meter and the structure.
- (E) All expenses for connections to the water system shall be borne solely by the property owner and shall not be part of any systems development charge. The costs incurred in the purchase and installation of a water meter are also separate from any system development charge.
- (F) The city may require as an additional expense for connection, reimbursement fees for the installation of water lines, which benefit the affected property.

#### Section 2. Customer Application Required.

- (A) Each applicant for water service shall complete an application form for utility service provided by the City. The application is a written request for utility service and does not bind the City to serve.
- (B) The City may refuse to furnish water and may discontinue service to a premises where an apparatus, appliance or other equipment using water will be used or is being used in violation of laws, city ordinances or legal regulations, is dangerous or unsafe.
- (C) If an applicant for utility service has unpaid charges at another service address in the City, the City may refuse to provide service until either the unpaid charges are paid in full or the City authorizes the transfer of the unpaid balance to the applicant's new utility service account.

**Section 3. Private Wells.** No owner of real property upon which a well is located shall permit any existing well or any fixture thereto to be connected in any manner to city water lines and pipes, or to be located in such a manner as to permit well water to enter the city

water system. The city may require, in the absolute discretion of the Public Works Superintendent, the installation by the owner of a backflow assembly to prevent such contamination.

**Section 4. Private Booster Pumps Prohibited.** No booster pumps shall be installed by the customer for the purpose of increasing water pressure or delivery without the express written permission of the Public Works Superintendent.

### **Hookup of Property Outside the City Limits**

**Section 5. Outside City Limit Application Requirement.** A person requesting water services to a property outside the city limits of Gates shall make application to the Gates City Council. The applicant shall have the burden of proving to the city council the following:

- (A) That the proposed connection is compatible with projected future growth of the city of Gates and that the property that will be served will logically and harmoniously become incorporated into the city at a later date.
- (B) That the proposed connection will not unduly burden the existing ability of the city to provide water service to the citizens of Gates.
- (C) That the applicant has acquired all necessary licenses, permits and easements to put in the connecting line to the city's main line.
- (D) That the proposed line connecting the property to the city's main line will meet or exceed city specifications.

**Section 6. Approval of the Outside City Limits Application.** Regardless if the applicant meets the requirements set forth above, each application shall be decided on a case by case basis and approval of the application is at the sole discretion of the council. A consent for future annexation to the city and waiver may be required before services are provided to the property.

**Section 7. Outside City Limits Applicant Responsibilities.** Upon approval of the application the following are the sole and exclusive responsibility of the applicant:

- (A) All construction and costs associated with the installation of the line or lines from the applicant's property to and including the connection to the city's main line. All costs of water meter and accessories necessary for the installation of a water meter shall be the sole responsibility of the property owner.
- (B) All lines that are to be connected to the city system shall be approved and inspected by the city public works department prior to connection.
- (C) The city's responsibility ends at the customer's side of the water meter.
- (D) That the connection will be a single hookup and serve only one household or business. Unless a Multiple-User Meter is included in the council approval.
- (E) Maintenance and repair of the connection line from the property to and including the connection to the city's water meter shall be the sole and exclusive responsibility of the property owner to be served.

**Section 8. Hookup Not Directly Adjacent (Next To) to City Limits.** The Gates City Council, at its sole discretion, may allow a hookup to property that is not directly adjacent to the existing city limits. If an application is made for such property the city may impose additional criteria including but not limited to requiring a connecting line that would be sufficient to serve other users that may hook up to the city system at a later date.

### **General Requirements**

#### **Section 9. Water Service Meters Requirement and Meter Clear Area.**

(A) Water Service Use Required: Water Meters

- 1) Each single-family dwelling, each dwelling unit in a two-family dwelling, each dwelling unit in a three-family dwelling, and each non-residential establishment shall have a separate water service line and water meter unless the Public Works Superintendent grants an exception based on sufficient documentation that such a dwelling or non-residential establishment meets criteria that:
  - a) a private well is being used for potable water in place prior to adoption of this Section; or
  - b) provided that if special circumstances of construction render metering of such individual service impractical as determined by the Public Works Superintendent.

If the Public Works Superintendent determines an exception is merited, the Superintendent is authorized by this Ordinance to waive such requirements for a separate water service line and water meter. Service to more than one user, or multiple meters for the same user, shall not be combined for the purpose of obtaining a more favorable water rate.

- 2) Each structure containing more than (3) residential dwelling units or (3) non-residential establishments; will be served with a single meter for the entire building, or by a separate water service line and meter for each unit.
  - 3) Each meter shall be located in the public right-of-way or in a public utility easement in accordance with the public works standards.
- (B) No person may store or maintain any item, material, or refuse, or install equipment over, under, or within two feet of any water meter.
- (C) No person may permit shrubs or other landscaping to obstruct the reading of any water meter. Any such obstruction may be trimmed or removed by the city, after a 72 hour notice to the owner, and the owner may then be charged for the removal costs.
- (D) No person may park a motor vehicle on public or private property, so as to obstruct or prevent access to any water meter.
- (E) The owner shall provide a safe passageway to the water meter when it is necessary for the city to enter upon property or to enter a building to read a water meter or work on a service connection.

#### **Section 10. Damage to System.**

- (A) The Customer shall be liable for any damage to the city's water system that is caused by an act of the Customer or the Customer's users, tenants or agents thereof.

Damage includes, among other things, breaking or destruction of seals on or near a water meter, breaking or destruction of locks, removing the first fitting on the downstream side of a metering device, damage resulting from electrical grounding to cold water pipes, or damage to a water meter by steam from a boiler or heater on the Customer's property and breaking or destruction by a motor vehicle driving over a meter or meter box.

- (B) The city may repair the damaged water meter and shall charge the cost against the property served. The cost of repairs shall be the actual costs. The city shall be reimbursed by the Customer for such damage promptly on presentation of a bill.
- (C) Failure to pay for the actual costs for damages to the city's water system and water meter shall be a lien against the property from the date of entry in the customer's billing record or other city water records.
- (D) No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the water system. Any person violating this provision shall be subject to immediate discontinuance of service and penalty prescribed in Article 9 of this Ordinance.
- (E) Contamination:
  - 1) It shall be unlawful for any person to in any way contaminate or pollute the water in the reservoirs or pipes of the municipal water system or in any fountain, hydrant, or source or place of storage of the water supply of the city or any of its inhabitants.
  - 2) It shall be unlawful to any person to throw any rubbish, debris, or any other thing into any water reservoir belonging to the city.

**Section 11. Apparatus on Customer's Property.** City does not assume liability for inspecting apparatus on the Customer's property. The city, upon 24 hours notice, reserves the right of inspection; however, if there is reason to believe that unsafe or illegal apparatus is in use, the city reserves the right for immediate discontinuance of service.

**Section 12. Access to Premises.**

Gates Water System employees may request, upon proper identification, access to all premises at which city water is being used; for a purpose properly connected with the service of water to the premises. Including determining that no hazard exists to the public water supply, as a result of the manner in which the water is being used. Such access request shall be made during city business hours with 24 hours notice, unless otherwise arranged with customer, and shall not interfere with the customer's normal use of his premises.

**Section 13. Resale of Water Prohibited.** Except in manufactured home or recreational vehicle parks, or by special arrangements with the city, no Customer shall resell water received by such Customer from the city, nor shall water be delivered to premises other than those specified in the application for service.

**Section 14. Illegal Taps Prohibited.** All unauthorized taps on the city water system shall be designated illegal taps and subject to removal and fine for each day, as provided for in Article 9 of this Ordinance.

**Section 15. Interruption of Service, Notification.** Wherever practicable, customers will be notified in advance of any planned interruption of service or shutdown of mains for repair or alterations. The city assumes no responsibility for providing uninterrupted water service and will not be liable for damages resulting from such interruptions.

**Section 16. Abandonment of Service Lines and Water Mains.** The Public Works Superintendent may cause the removal or abandonment of any unused service lines when its further need is not apparent and when in his judgment removal is appropriate to reduce leakage or future maintenance responsibility. Subsequent service to the property shall be treated as a new service.

**Section 17. Installation of Temporary Water Pump Stations.**

(A) In certain instances where, in the judgment of the Public Works Superintendent, it is not practicable to provide adequate water flows to any area through the use of traditional water service methods, the city may, at the option of the Public Works Superintendent elect to serve said area through the installation and operation of a temporary water pump station by the city.

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

### ARTICLE 3

#### Frequency of Reading Water Meters

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

### ARTICLE 4

#### Customer's Deposit Fee

**Section 1. Fees Set for Inside and Outside City Limits.** On and after the effective date of this ordinance, the fee for customer water deposit, within the corporate limits of the city of Gates shall be \$120.00. The fee for customer water deposit outside the corporate limits of the city of Gates shall be 20 percent more than the deposit fee for customers residing within the city limits.

**Section 2. Deposit Fee Based on Billing.** Since the customer deposit fee is based on an estimated standard billing for two months use, this section may be changed by resolution of the city council.

**Section 3. Refund Procedures.** The customer's water deposit shall be refunded:



- (A) Upon discontinuation of service, any amount of excess of the unpaid bills for water furnished by the city.
- (B) Renters of property connected to the water system of the city of Gates shall have the deposit refunded upon vacation of the premises. Any amount due and owed the city shall be deducted before a refund check is authorized.

## **ARTICLE 5**

### **Payment of Water Billings**

#### **Section 1. Responsible Party (Customer).**

- (A) The property owner of record shall be responsible for the payment of all charges prescribed in this ordinance. If the property is rented and the renter fails to pay the charge; city staff shall also submit the shut-off notice bill to the property owner, and make an effort to notify the property owner if a tenant has not paid the bill by the end of the month.
- (B) All water services provided by the city will be billed to the premises where the service is provided, unless the property owner or Customer requests, in writing, that the bill be submitted to another address.
- (C) Where more than a single dwelling unit or business is served by a single meter, the bill for water service shall be sent to the owner of the premises, who shall be the Customer responsible among the tenants for collecting amounts owing from such tenants.

#### **Section 2. Assessments Due.**

- (A) Charges assessed for municipal water services shall become due when the city of Gates requests payment by mailing a bill to a Customer.
- (B) Charges assessed for municipal water and utility services provided by the city of Gates shall become delinquent if said assessment is not paid within 14 days from when the city requests payment as set forth in this ordinance section.
- (C) Failure to pay for the charges assessed for municipal water and utility services provided by the city of Gates shall be a lien against the property 120 days from the date the water is shutoff for nonpayment.

#### **Section 3. Automatic Shut Off**

- (A) In the event a city water and utility assessment becomes delinquent, the city shall send a written notice to the Customer setting forth a date certain for automatic water shut off.
- (B) Such notice shall provide an automatic shut-off date not less than 3 days from the date the notice is mailed to the Customer.

**Section 4. Reinstatement of Services.** After city water services have been discontinued pursuant to this ordinance, the same shall not be reinstated until the entire delinquency, plus a delinquent account reconnect fee, as set by resolution of the city council, has been paid in full.

**Section 5. Unauthorized Turn-On Prohibited..** No person, other than an authorized city employee, shall turn on a water service connection which has been turned off by the city. A violation of this section is theft of services, a Class A civil infraction; which could result in a judgement.

**Section 6. Meter Error.** A customer may request the city to test the meter serving their premises.

- (A) The customer shall deposit an amount to cover the reasonable cost of the test, as set by resolution of the city council. This deposit will not be returned if the meter is found to register less than 3% fast.
- (B) The customer or their representative shall have the right to be present when the test is made, and a customer who requests a meter test will be notified not less than two days in advance of the time and place of the tests.
- (C) A written report giving the results of the test shall be available to the customer within 10 days after completion of the test.
- (D) When, upon testing, a meter is found to be registering more than 3% fast under conditions of normal operation the city shall refund the customer meter test deposit; and the full amount of the overcharge based on corrected meter reading, for a period not to exceed three months.

**Section 7. Hardship.** In cases of hardship the water commissioner or designee, shall have the discretion to decide not to discontinue service or to renew services to a delinquent account; upon acceptance of a Customer signed utility billing extension payment plan, for the payment of past due amounts. The approved utility billing extension payment plan shall serve as the automatic shut-off notice provided for in Section 3 above.

**Section 8. Appeal of Council.**

- (A) Customer may appeal the notice to disconnect to the city council if the Customer believes the bill for water services was incorrect.
- (B) To file a notice of appeal under this ordinance, the Customer must post with the city, monies in the amount of the bill being appealed.
- (C) If the council finds that the bill was incorrect, the bill shall be adjusted and the difference between the adjusted bill and the monies posted shall be returned to the Customer.
- (D) All appeals must be filed within 30 days from the time the monies are posted to appeal a notice to disconnect.

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

- (A) Accounts receiving less than one month of service will be billed on a pro rata basis according to meter size.
- (B) When, upon tests, a meter is found to be registering more than 3% fast under conditions of normal operations, the city shall refund to the Customer the full amount of the overcharge, based on corrected meter readings for a period not exceeding three months.
- (C) The city may bill the Customer for water consumed while the meter is not

registering. The bill shall be at the minimum monthly meter rate.

- (D) When a Customer reports a water leak to the City Recorder or Public Works Superintendent, or has been notified by the public works department of a possible water leak and repairs it in a timely manner; and the city has verified that the leakage has occurred and was caused by either a broken pipe or pipe connection, the city will adjust the billing by reducing the affected monthly usage by the excess over the user's normal amount.
- (E) Faulty valves or similar devices of the Customer may not be grounds for the adjustment of a high water bill. However, the City Council may adjust the billing by reducing the affected monthly usage by the excess over the user's normal amount.
- (F) In addition, obvious neglect or improper installation by the Customer shall not be grounds for adjustment of a high water billing.

## ARTICLE 6

### Change of Rate Structure

**Section 1. Procedure.** Any change of rate structure shall be done by an ordinance amending Article 1 portion of this ordinance, with two readings of the amending ordinance approved by the majority of the council present at the meeting.

## ARTICLE 7

### Cross Connection and Backflow Prevention

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

**Section 2. Purpose.** The purpose of this section of the ordinance shall be to protect the people served by the Gates Water System by preventing contaminates from flowing backwards into the water supply, by establishing appropriate regulations and rules in compliance with Oregon Administrative Rules (OARs); including the installation, testing, and proper maintenance of approved backflow and/or siphonage devices and assemblies.

**Section 3. Definitions.**

- (A) Approved Backflow Prevention Device means a device to counteract back pressures and/or prevent back siphonage. Such devices must be approved by the Oregon State Health Division.
- (B) Auxiliary Supply means any water source or system other than the city's water system that may be available to a particular building on the premises.
- (C) Backflow means a flow in other than the intended direction of flow of any substance, foreign liquid, gas or otherwise, other than potable water provided by the city, into the city's water system.

- (D) Cross Connection shall mean any actual or potential connection or structural arrangement whereby the city's water system is connected directly or indirectly with any other water sources or system, public or private, through which it is possible to introduce into any part of the city's system, any other source of water, potable or otherwise, or an industrial fluid, gas or substance other than the city's potable water with which the system is supplied, including any connection with a sewer, drain, conduit, swimming pool, storage reservoir, plumbing fixture, swamp cooler or other device through which it is possible to introduce into any part of the water system contaminated water, sewage, or other materials of unknown or unsafe quality which may be capable of imparting contamination to the city's water system as a result of backflow or otherwise, bypass arrangements, jumper connections, removable sections, swivel or changeover devices or other temporary or permanent devices through which, or because of which, backflow may occur.
- (E) City Water System shall refer to and mean the Gates Water System which shall include its pumping stations, filtration, reservoirs, supply, trunk or feeder lines, service lines, meters and all other appurtenances, devices, lines and things necessary to the operation of the system and to supply water service to individual property or premise and shall include the city's potable water with which the system is supplied.
- (F) Public Works Superintendent shall mean the person appointed by the city council to be in charge of the city's water system.

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

**Section 5. Cross Connections Prohibited.** Actual or potential cross connections are prohibited.. Any high hazards, as specified in the OARs will be given the highest priority, and protected with an approved air gap or reduces backflow assembly.

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

- (A) There is upon such premises an auxiliary water supply which is or can be connected to the city's service or supply system (including individual premises service plumbing and private wells);
- (B) There is piping or equipment for conveying other than potable city water and that piping or equipment is under pressure and installed and operated in a manner that could cause a cross connection;
- (C) There is intricate plumbing which makes it impractical to ascertain whether or not cross connections exists;
- (D) The concerned premises have restricted entry so that inspections for cross connections cannot be made with sufficient frequency or with sufficient short notice, to assure that cross connections do not exist;

- (E) There is a fire line or irrigation service or domestic service larger than two inches;
- (F) The premises have a repeated history of cross connections being established or re-established;
- (G) The serviced premises from time to time may have materials of a toxic or hazardous nature which are handled so that if back siphonage should occur a serious health hazard may result;
- (H) Premises with the following or similar installation must have a backflow device installed: in ground sprinkler system, hot tub, pool, solar system, other uses specified by a certified cross connection specialist representing the city;
- (I) Premises on which any substance is handled under pressure so as to permit entry into the public water system, or where a cross connection could be reasonably expected to occur; this includes the handling of processed water and cooling water. Such type of facilities include dry cleaners/laundromats, laboratories, car washes, petroleum processing or storage plants, food preparation facilities, other facilities specified by the Public Works Superintendent.
- (J) Backflow prevention devices shall be required on domestic services two inches or smaller if the building is two (2) stories or higher than thirty-two (32) feet above the water main. One (1) and two (2) story buildings which exceed thirty-two (32) feet in height may be exempted upon determination by the city that no backflow hazard exists.
- (K) Any other water system which receives water from the city of Gates water system and does not have a cross connection program which has been approved by the city.

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

- (A) The type of backflow prevention device required shall be commensurate with the degree of hazard that exists and must meet at all times the standards of the Oregon State Health Division; all backflow prevention devices required under this section shall be a type and model approved by the Oregon State Health Division.
- (B) A reduced pressure principal backflow prevention device shall be installed where the water supply may be contaminated by a substance that could cause health or system hazard. This type of device will also be required in any premises where entry is restricted by the water user. A reduced pressure principle backflow will be required at the point of connection between the city water system and any other water system, which does not have a cross connection program.
- (C) A double-check valve assembly pressure vacuum breaker or a reduced pressure principle backflow device assembly shall be installed where it is possible to interject a substance that may be objectionable, but not hazardous, into the water system.

#### **Section 8. Location and Installation of Backflow Device.**

- (A) The city may specify the location and method of installation of a backflow prevention device. The control or elimination of a cross connection shall be in accordance with Manuals of Standard and Practice pertaining to cross connection control approved by the city, and any requirements set forth by the United States Environmental Protection Agency as authorized by the "Safe

Drinking Water Act" PL93-523 and other applicable legislature, rules and regulations of the United States, the state of Oregon and concerned agencies.

- (B) An installation, corrective measure, disconnection or other change to a backflow prevention device shall be at the sole expense of the owner. The costs of any change required in the city's system outside the property concerned, or between the meter and the supply line or distribution system, or any changes for cut-offs or disconnection, shall be paid in accordance with the city's practice and procedure, and may, if not paid, be collected through legal process or any other appropriate manner approved by law.

**Section 9. Pre-existing Backflow Prevention Device.** Any backflow prevention device installed before the effective date of this ordinance shall be permitted to remain in service if:

- (A) The device is properly maintained; and
- (B) The type of device is commensurate with the degree of hazard, such determination to be made by the Public Works Superintendent; and
- (C) The device is tested annually as required herein; and documentation submitted in accordance with Section. 10 (A) of this Article shows the device performs satisfactorily.

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

**Section 10. Testing Requirements.**

- (A) Any backflow prevention device which may be required to be installed under this ordinance for the protection of the city's water supply shall be tested before its use in the city and annually thereafter, unless a more frequent testing is required. All tests required to be performed under this section must be performed by a tester certified by the state of Oregon or otherwise approved by the city and written results of such test furnished to the city.
- (B) Any backflow prevention device which may be required by the city or state to be installed on property for the protection of a water supply shall be tested at the time of installation and anytime the device is moved or relocated (immediately after relocating or moving). The property owner must forward the results of such testing to the city within ten (10) days of the date of installation or relocation.
- (C) The property owner must order and cause to be performed a test of each backflow prevention device annually on or within thirty (30) days after the anniversary date of the initial testing. The city may require more frequent testing in order to assure the device is functioning in those installations which represent a serious health hazard as determined by the city or the State Health Department.
- (D) If the city has not received the results of such test within thirty (30) days of the anniversary date for annual testing or within ten (10) days of the date of installation of the device as the case may be, or the date of the city's discovery that a device was installed without appropriate test as applicable, the city may order such test and bill the property owner for the cost thereof if the device is for protection of a fire service or for a commercial use; if the device is for protection

of a domestic service, the city may deny or discontinue water service until satisfactory proof is furnished that the device has been tested and is functioning properly.

- (E) If the results of a test required by the city as herein set forth indicate that repairs are necessary, such repair must be undertaken and a new test taken, and the results thereof forwarded to the city within ten (10) days of the test, indicating the defect was repaired.

#### **Section 11. General Provisions.**

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

#### **Section 12. Customer System Open for Inspection.**

- (A) Public Works Superintendent may request that the customer system be open for inspection to perform a facility survey to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exist; for the purpose of enforcing the regulations contained in this Article.
- (B) The Gates Water System reserves the right to require a backflow device at the customer's side of the water meter, if access is not allowed to determine if a backflow device or assembly is necessary.

#### **Section 13. Cross Connection and Backflow Enforcement.**

- (A) The Gates Water System has the right to refuse or terminate water service to any customer who does not:
  - i. Install a backflow device or assembly, when an actual or potential cross connections exists, or
  - ii. Test the assembly at least annually and complete any necessary repairs.
- (B) The Gates Water System will allow a reasonable time to achieve compliance with these regulations or rules, but should a backflow incident occur, the water system has the right to terminate service immediately and restore it only after compliance.
- (C) The Public Works Superintendent shall designate city cross connections specialists and institute, with the approval of the city council, such additional rules or procedures necessary to carry out provisions of this ordinance.

## **ARTICLE 8**

### **VALIDITY**

**Section 14. Validity.** If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

## ARTICLE 9

### VIOLATIONS

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

**Section 2. Enforcement of Provisions.**

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

**Section 3. Violation: Prohibited Activities**

- (A) It is unlawful for any person to open, cut into, or make any connection with any City water main or lines, or to tamper in any way with the public water system, including water mains, fire hydrants, valves, service lines, meters and appurtenances without the express permission of the City.
- (B) It is unlawful for any person to open any shutoff valve or other device so as to permit water to flow from the City mains or lines into any private main or line without the express permission of the City.
- (C) It is unlawful for any person to use water from a City fire hydrant for construction purposes or any other purpose without express permission of the City, which may make provisions for metering such use, set charges, or refuse such permission.

**Section 4. Violation: Penalties**

- (A) Except as otherwise provided in this Ordinance, any person convicted of a violation of this Ordinance shall be punished by a fine of not more than \$250.00.
- (B) If any person has been convicted of a violation of this Ordinance, at any time within 2 years of such conviction, that person commits a second or subsequent violation, the person may be prosecuted as a misdemeanor, punishable by a fine of not more than \$500.00.
- (C) The remedies provided in this section are cumulative and not exclusive. In addition to the penalties provided above and those specifically set out in particular sections of this Ordinance, the City, by and through its authorized personnel, may pursue any remedy provided by law including the institution of injunction, mandamus, abatement, or other appropriate proceeding to prevent, temporarily or permanently enjoin, or abate an Ordinance violation.
- (D) Failure to pay for the charges, fees or penalties assessed under this ordinance



shall be a lien against the property.

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

**Section 6. Notices:** Notices required to be given by the city to a customer will shall be given in writing and may be either delivered or mailed to a customer, or to a premises to which service is rendered.

## ARTICLE 10

### REPEALING CONFLICTING ORDINANCES

**Section 1. Repeal.** Ordinance No. 146 Establishing the Regulations for the City Water System and Repealing Ordinance 93 and All Ordinances in Conflict; adopted May 21, 1998, is hereby repealed.

**Section 2. Repeal.** Ordinance No. 93 and All Ordinances in Conflict is again repealed.

**Section 3. Repeal.** Ordinance No. 128 Establishing a Cross Connection program is hereby repealed.

**Section 4. Repeal.** Ordinance No. 128A Enabling Ordinance updating the a Cross Connection rules in Ordinance 128, is hereby repealed.


## ARTICLE 11

**Section 1. Effective Date.** Whereas, it is necessary for the immediate preservation of the public health, peace and safety of the citizens of the city of Gates that this ordinance become effective at the earliest time possible, and the additional monies are needed for the current budget process, due to the Wildfire Disaster. Therefore, this ordinance shall become effective immediately upon its passage by the council and signature of the mayor.

**PRESENTED AND PASSED** the first reading on the 3rd day of June 2021. **PASSED** its second reading on the 3<sup>rd</sup> day of June, 2021. **ADOPTED** by the Gates City Council on the 3<sup>rd</sup> day of June, 2021.

  
Traci Archer, City Recorder

SIGNED by the mayor this 4 day of June, 2021

  
Ron Carmickle, Mayor