

## 41-00520

Section 25. Abandoned and Non-Revenue-Producing Services. Where a service connection to a premises has been abandoned or not used for a period of one year or longer, the city may remove it. New service shall be placed only upon the customer's application and paying for a new service connection.

Section 26. Notice of Discontinuance. Unless an emergency exists affecting health, safety or welfare, the city shall not discontinue service under any of the provisions of this ordinance without giving at least five days' written notice and 24 hours' personal notice, or notice posted on the premises, of its intention to do so.

### General

Section 27. Pools and Tanks. When an abnormally large quantity of water is desired for filling a swimming pool, log pond, or for other purposes, arrangements shall be made with the city prior to taking such water. Permission to take water in unusual quantities shall be given only if it can be safely delivered and if other customers will not be inconvenienced.

Section 28. Fire Hydrants. If property owner or other party desires a change in the size, type or location of a fire hydrant, he or she shall bear the cost of such change. A change in the location of a fire hydrant must be approved by the city.

Section 29. Damage to City Property. The customer shall be liable for damage to a meter or other equipment or property owned by the city which is caused by an act of the customer, his tenants or agents. The damage shall include the breaking or destruction of seals by the customer on a meter and damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The city shall be reimbursed by the customer for such damage promptly on presentation of a bill.

Section 30. Cross-Connections. No physical connection, direct or indirect, shall exist, even temporarily, between the city water supply and that of a private water supply. Where such a connection is found to exist, the city water service will be turned off. The service shall not be reestablished until satisfactory proof [is] furnished that the cross-connection has been permanently severed.

Section 31. Back Siphonage. Customer shall not allow any water that has passed the meter to flow back into the system. The city may require the installation of an approved back flow prevention system. Customer shall be liable for all costs in said system as required.

Section 32. Resale of Water. Except by special arrangements with the city, no customer shall resell water received by him from the city, nor shall water be delivered to premises other than those specified in the application for service.

Section 33. Access to Premises. The city or its duly authorized agents shall, during reasonable hours, have the right to enter or leave the customer's premises for a purpose properly connected with the service of water to the premises.

Section 34. Notices. Notices required to be given by the city to a customer will normally be given in writing and may be either delivered or mailed to a customer or to the premises to which service is rendered.

Section 35. Penalties. A person violating a provision of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$500.00.

Section 36. [Severability clause.]

Section 37. Repeal. Any ordinance in conflict with this ordinance is hereby repealed.

Section 38. [Emergency clause.]

Passed by the Council and approved by the Mayor  
October 10, 1984.

ORDINANCE NO. 265

AN ORDINANCE AMENDING MILL CITY'S WATER ORDINANCE NO. 262 TO ESTABLISH CROSS CONNECTION CONTROL REQUIREMENTS AS REQUIRED BY THE HEALTH DIVISION OF THE OREGON DEPARTMENT OF HUMAN RESOURCES.

WHEREAS the Common Council of the City of Mill City adopted Ordinance No. 262 on the 12th day of September 1995; and

WHEREAS it has been brought to the attention of the Common Council that under certain conditions it would be possible for customers of the City's water system to have a cross connection between a private water supply and the public distribution system; and

WHEREAS the Health Division of the Oregon Department of Human Resources has adopted regulations requiring all community water systems in Oregon to have active cross connection control programs.

NOW THEREFORE, THE CITY OF MILL CITY ORDAINS AS FOLLOWS:

That Section 33. Cross Connections. be amended to read as follows:

Section 33. Cross Connections. No physical connection, direct or indirect, shall exist, even temporarily, between the city water supply and that of a private water supply unless the cross connection is in compliance with regulations contained in Sections 33 and 34 of this ordinance and rules as established by the Health Division of the Oregon Department of Human Resources.

- (1) If the City has reasonable cause to believe that an existing or potential cross connection is located on the consumer's premises, upon proper notice, the City shall deny or discontinue water services to those premises until:
  - (a) an appropriate backflow device is installed; or
  - (b) the cause of the hazard is eliminated.
- (2) The owner of the property to which the City supplies water is required to install backflow prevention devices on the premises where:
  - (a) there is an auxiliary water supply which is or can be connected to the potable water piping; or
  - (b) there is piping for conveying liquids other than potable water and where that piping is under pressure and is installed and operated in a manner which could cause a cross connection; or
  - (c) there is intricate plumbing which makes it impractical to ascertain whether or not cross connections exist; or
  - (d) there is a fireline or irrigation service or domestic service larger than 2" in size. Devices are required

on all domestic services 2" and smaller if the building is more than 2 stories or higher than 32' above the water main. Buildings which are one or two story, but which exceed 32' in height above the water main may be exempted upon a determination that no backflow hazard exists.

(3) The type of backflow prevention device required under subsection (2) shall be commensurate with the degree of hazard that exists and meet the standards of the Oregon State Health Division.

(4) All backflow prevention devices required under this section shall be of a type and model approved by the Oregon State Health Division.

(5) The City, or its agent, may specify the locations and methods of installation of the backflow prevention device. The control or elimination of cross connections shall be in accordance with any manuals of standard practices pertaining to cross connection control approved by the City of Mill City or the agency contracting to provide building inspection services for the City, and any requirements set forth by the United States Environmental Protection Agency as authorized by the "Safe Drinking Water Act", PL 93-523 and subsequent applicable legislation.

(6) Any installation, corrective measure, disconnection or other change to a backflow prevention device shall be at the sole expense of the property owner. The cost of any change required in the City's system outside the property or between the meter and the supply line and any charges for cut-off or disconnection shall be billed to the property owner at actual costs incurred by the City.

(7) Any backflow device installed before the effective date of this ordinance which is not an approved device under subsections (3) and (4) 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; and
- (c) the device is tested annually as required by Section 34 below; and
- (d) the device performs satisfactorily.

(8) If a device does not meet the requirements of subsections (3) and (4) but may be used pursuant to subsection (7), the device must be replaced if it is moved or requires more than minimum maintenance.

(9) Any person operating any mobile apparatus which uses the City water system or water from any premises within the City must provide for backflow prevention. The provisions of Section 33, subsections (4) and (5) are applicable to this section.

Any backflow prevention device which may be required to be installed under this section for the protection of the water supply shall be tested before its use in the City and annually thereafter, unless otherwise specified or required. All tests required to be performed under this section must be performed by a tester

certified by the State.

(10) A person who fails to install or to provide for the testing of a backflow prevention device or who violates any provision of Sections 33 or 34 or who fails to comply with an order thereunder, shall severally for each violation and noncompliance be guilty of a Class I Civil Infraction and be subject to penalties as set forth in Section 39 of this ordinance.

Any person who is in violation of any provision of Sections 33 or 34 shall be required to correct or remedy a violation or defect in addition to liability under the penalty provisions of Section 39. The application of the above penalty shall not prevent the enforced removal of prohibited conditions pursuant to Section 20 above; and, in addition to other remedies, if the City Council so directs, the City Attorney may file an action to alleviate a violation of this ordinance.

Section 34. Backflow Prevention Testing Program.

(1) Any backflow prevention device which may be required by the City or the State to be installed on property for the protection of the City's water supply shall be tested at the time of installation and anytime the device is moved or relocated. The property owner must forward the results of such testing to the City Water Department within ten days of the date of installation or relocation.

(2) The property owner must order and cause to be performed a test of each backflow prevention device annually on, or within 30 days after, the anniversary date of the initial testing. The City may require more frequent testing in order to assure the device is properly functioning in those installations which represent a serious health hazard as determined by the City.

(3) If the City Water Department has not received the results of the test within 30 days of the anniversary date for annual testing or within ten days of the date of installation or relocation of the device, or the date of the City's discovery that the device was installed without testing as applicable, the City may order the test and bill the property owner at actual costs to the City for the test.

(4) If the results of the test ordered by the City or the property owner indicate that repairs are necessary, the repairs must be made and a new test made and results of the test forwarded to the City Water Department within ten days of the first test.

If the City Water Department has not received evidence of the repairs and the results of the second test within ten days of the first test, the City may have the repairs made and bill the property owner for actual cost to the City for the repairs and testing.

This section shall apply to all test and repairs until the

test shows the backflow prevention device is functioning properly.

(5) The City may discontinue the water service of any person who refuses or fails to pay the charges incurred by the city for repairs and testing.

(6) All tests required to be performed under this section must be performed by a tester certified by the State.

This ordinance is adopted this 26 day of MARCH, 1996.

W. H. Downer  
WILLIAM H. DOWNER Mayor

1st reading: MARCH 12, 1996

2nd reading: MARCH 26, 1996

Attest:

Roel C. Lundquist  
Roel Lundquist, City Recorder