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JUN 17 2003

TECHNICAL SERVICES  
DRINKING WATER PROGRAM

which do not include continuous or constant inflowing water are not included.

(f) Wasting water by leaving unattended hoses running.

(g) Other actions deemed necessary.

(2) Level II - Moderate. The following activities or actions are prohibited under a Level II declaration; where not covered, the Level I restriction still applies:

(a) Watering of any lawn, grass or turf, regardless of age or usage.

(b) Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation, or trees.

(c) Washing of vehicles other than in establishment which recycles.

(d) Power washing of buildings, regardless of purpose, is prohibited.

(3) Level III - Severe. In addition to the restrictions in Level II, the following actions may be taken under Level III:

(a) Restriction or limitation of residential usage.

(b) Restriction or limitation of activities which require or may require the need for water supplies. By way of example, this restriction might be placed upon a fireworks display which would otherwise be allowed under state law and local ordinance.

(c) Any restriction which is identified by the director of public works.

(d) Any restriction which is identified by the director of public safety or his designee within the fire department.

#### 4.260 Enforcement.

(1) Warning. Each violation shall receive a warning. The letter of warning shall be in writing, shall specify the violation, may require compliance measures, and shall be served upon the resident either personally, by office or substitute service, or by certified or registered mail, return receipt requested.

(2) Citation. After the resident has received a warning letter, any subsequent

violation shall be treated as a civil infraction pursuant to sections 1.215 to 1.260 of the West Linn Municipal Code. No forfeiture assessed for violation of this ordinance shall be less than \$100 nor more than \$500 for each violation.

#### 4.265 Penalties.

(1) First violation - Warning letter.

(2) Second violation of same type - Class C infraction \$100.

(3) Third violation of same type - Class B infraction \$250.

(4) Fourth and subsequent violation - Class A infraction \$500.

(5) Third and subsequent violations under Level III may include water shut-off.

#### 4.270 Amendments, Special Rules, Contracts.

The city council shall have the power, at any time, to amend, change, or modify any rule, rate, or charge, and to make special rules, and contracts, and all water service is subject to such power.

### WATER SUPPLY CROSS CONNECTION

#### 4.300 Purpose and Scope.

The purpose of sections 4.300 to 4.330 is to protect the public health of water consumers by the control of actual and/or potential cross connections to customers.

4.305 Definitions. For purposes of sections 4.300 to 4.330, the following mean:

Backflow. The undesirable reversal of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources.

Backflow prevention device (approved). A device that has been investigated and approved by the regulatory agency having jurisdiction. The approval of

backflow prevention devices by the regulatory agency should be on the basis of a favorable laboratory and field evaluation report by an "approved testing laboratory," recommending such approval.

Backflow prevention devices (type). Any approved device used to prevent backflow into a potable water system. The type of device used should be based on the degree of hazard either existing or potential.

Contamination. 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.

Cross connection. Any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross connections.

Director. The director of public works of the city of West Linn, or authorized agent.

Hazard, degree of. Derived from the evaluation of a health, system, plumbing or polluttional hazard.

Hazard, health. An actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

Hazard, plumbing. An internal or plumbing type cross connection in a consumer's potable water system that may be

either a polluttional or a contamination type hazard. This includes, but is not limited to, cross connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems. Plumbing type cross connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

Hazard, polluttional. 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 maxi-mum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

Hazard, system. An actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system or a pollution or contamination which would have a protected effect on the quality of the potable water in the system.

Health Division Officer. The Oregon State Health Division Officer, or authorized agent.

Potable water supply. Any system of water supply intended or used for human consumption or other domestic use.

**4.310 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 sections 4.300 to 4.330 and in compliance with the Oregon Administrative Rules

Chapter 333 Public Water Systems Section 61-070. The director shall have the authority to establish requirements more stringent than state regulations if he deems that the conditions so dictate. The city shall adopt rules and regulations as necessary to carry out the provisions of sections 4.300 to 4.330. The building official is authorized to enforce the provisions of sections 4.300 to 4.330 in the inspection of existing, new, and remodeled buildings.

**4.315 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 regulation and sections 4.300 to 4.330. Service of water to any premises shall be discontinued by the city if a backflow prevention device required by sections 4.300 to 4.330 is not installed, tested and maintained, or if it is found that a backflow prevention 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 director 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:

- (i) Hospitals, mortuaries, clinics,
- (ii) Laboratories,
- (iii) Metal plating industries,
- (iv) Piers and docks,
- (v) Sewage treatment plants,
- (vi) Food or beverage processing plants,

(vii) Chemical plants using a water process,

(viii) Petroleum processing or storage plants,

(ix) Radioactive material processing plants or nuclear reactors,

(x) Facilities with fire service lines as specified by Oregon State Health Division,

(xi) Others specified by the purveyor.

(5) The type of protective device required shall depend on 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 sections 4.300 to 4.330 shall be installed under the supervision, and with the approval, of the city.

(7) Any protective device required by sections 4.300 to 4.330 shall be approved by the director.

(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 per year. In those instances where the director 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 director. It shall be the duty of the director to see that these timely tests are made. The customer-user shall notify the director in advance when the tests are to be undertaken so that the director 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 director.

(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 sections 4.300 to 4.330 or by state law shall be grounds for the termination of water service to the premises.

#### **4.320 Cross Connection Inspection.**

(1) No water shall be delivered to any structure hereafter built within the city of West Linn 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 director, 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 director of all buildings, structures, or improvements for the purpose of ascertaining whether cross connections

exist. Such inspections shall be made by the city.

**4.325 Liability.** Sections 4.300 to 4.330 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.

**4.330 Penalties.** Violation of any rule or regulation contained herein shall constitute a class A infraction.

### SYSTEMS DEVELOPMENT CHARGES

#### 4.400 Purpose.

Sections 4.400 to 4.485 are intended to provide authorization for systems development charges for capital improvements pursuant to ORS 223.297-223.314 for the purpose of creating a source of funds to pay for the installation, construction and extension of capital improvements. These charges shall be collected at the time of the development of properties which increase the use of capital improvements and generate a need for those facilities, or as otherwise provided in this code. [Section 4.400 amended by Ordinance No. 1416, enacted September 9, 1998.]

**4.405 Scope.** The system development charges imposed by sections 4.400 to 4.485 are separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development.

#### 4.410 Definitions.

For purposes of sections 4.400 to 4.485, the following mean:

Actual Project Cost. Cost of materials, land and construction directly attributable to the construction of a capital improvement. These costs include design, construction materials and equipment,

labor, short term financing costs (incurred from the date of a City agreement on improvement cost estimate to date of written acceptance of improvement), project management costs (not to exceed 5% of actual project cost), and City administration fees for the project. Land cost is the real market value of fee-title or dedication, as determined by the County Assessor or by a City approved appraiser at the time of application for systems development charge credit. The method of land valuation and type of property interest to be conveyed is at the discretion of the City Engineer. [Definition added by Ordinance No. 1418 enacted September 9, 1998.]

Capital improvements. Facilities or assets used for:

- (1) Water supply, treatment and distribution;
- (2) Sewage and wastewater collection, transmission, treatment and disposal;
- (3) Drainage and flood control;
- (4) Transportation; or
- (5) Parks and recreation.

City Manager. The person holding the office of City Manager or his/her designee. [Definition added by Ordinance No. 1416 enacted September 9, 1998.]

Development. Conducting a building or mining operation, making a physical change in the use or appearance of a structure or land, or creating or terminating a right of access.

Final Land Use Approval. A director's decision, subdivision, partition, design review or conditional use final decision approving an application which has either not been appealed at the City level, or which is the decision ending City appeal processes. If a City decision has been appealed to the Land Use Board of Appeals, the decision is final as of the date of the City decision which is appealed unless the Board has issued a stay of