
Water Rate Resolution & Water Ordinance
Appendix C

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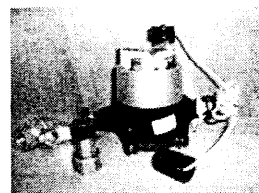
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Water Rates Inside City Limits

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
Water Meter



Base Rate per EDU	\$52.50 per 0 to 400 cubic feet
401 to 600 cubic feet	\$2.76
601 to 1000 cubic feet	\$1.40 per 100 cubic feet
1001 to 2000 cubic feet	\$2.10 per 100 cubic feet
2001 to 3000 cubic feet	\$2.80 per 100 cubic feet
3001 to 4000 cubic feet	\$3.50 per 100 cubic feet
4001 to 5000 cubic feet	\$4.10 per 100 cubic feet
5001 to 6000 cubic feet	\$4.80 per 100 cubic feet
6001 + cubic feet	\$5.50 per 100 cubic feet

**Water Rates are effective as of July 1, 2010

*** Water is measured in Cubic Feet and not Gallons.

 [Water/Sewer Rate Brochure 7/2010](#)

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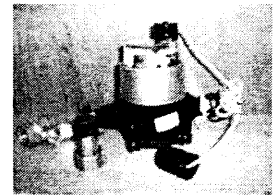
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Water Rates Outside the City Limits


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[Water Meter](#)



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** Water Rates effective as of July 1, 2010
 *** Water is measured in Cubic Feet and not Gallons

 [Water/Sewer Rates Brochure](#) July 2010

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Official Website of the City of Dayton, Oregon

RESOLUTION #09/10-45
City of Dayton, Oregon

TITLE: *A Resolution establishing the rate schedule for water services provided by the City of Dayton*

WHEREAS, the City of Dayton owns and operates a water system for residents of the City of Dayton and certain other users; and

WHEREAS, the City Council has previously made a commitment to take steps to encourage the conservation of water, including but not limited to, the use of ascending water rates whereby the more water that is used, the higher the unit cost; and

WHEREAS, the current water rates will not generate enough revenue to operate and maintain the system, repay the existing debt service obligations and capital expenditures anticipated in the next few years; and

WHEREAS, Section 8.0.6 of the Dayton Municipal Code authorizes establishment and adjustment of rates by resolution of the City Council;

The City of Dayton resolves as follows:

1) **THAT** the method of calculation of a water service Equivalent Dwelling Unit (EDU) shall be as follows:

A. Base Allowance Per EDU

The monthly base allowance per EDU is hereby established at 400 cubic feet (i.e., 1 EDU would pay 1 base rate for 400 cf, plus the ascending consumption rate for use above that; 2 EDUs would pay 2 base rates for 800 cf of water, plus two times the ascending consumption for use above that; etc).

B. Residential Users

Unless classified otherwise under Section F below, each residential unit shall be considered 1 EDU [a single family house shall be 1 EDU; a multi-unit facility (duplex, triplex, apartment building, mobile home or manufactured home park, etc.) shall be considered 1 EDU per unit].

C. Commercial/Industrial Users

Unless classified otherwise under Section D or E below, each commercial or industrial user shall be considered 1 EDU. [A multi-unit facility (shared space with businesses owned by separate owners) shall be considered 1 EDU per unit. An exception may be requested by such business owners having no water usage, including restroom facilities. An exception may

also be requested for shared restroom facilities provided that the largest single water user in a shared facility will be classed as the primary EDU.]

D. Schools

Grade School - main service shall be considered 2 EDUs; each additional service shall be considered 1 EDU

High School - main service shall be considered 4 EDU's; each additional service shall be considered 1 EDU

The number of EDU's assigned to the main service for this user shall be reevaluated based on the consumption for the billing cycle January 26 through February 25 each year. Any recommended adjustments in the EDU's assigned will be presented to the City Council for consideration at their March meeting and shall become effective with the first date of the March billing cycle.

E. RV Park

Both services combined shall be considered 11 EDUs. The number of EDU's assigned to this user shall be reevaluated based on the consumption for the billing cycle January 26 through February 25 each year. Any recommended adjustments in the EDU's assigned will be presented to the City Council for consideration at their March meeting and shall become effective with the first date of the March billing cycle.

F. Higher than Average Residential/Commercial/Industrial Users

Any residential, commercial or industrial user who consumes 3,600 cubic feet (26,928 gallons) during the period January 26 through February 25 (February billing cycle) shall be considered as 1 EDU for the first 1,200 cubic feet and 1 additional EDU for each 2,400 cubic feet in excess of 1,200. This means, for example, a user who consumes 8,400 cubic feet during the February billing cycle would be considered 4 EDUs (1 x 1,200) + (3 x 2,400) = 8400). Fractions of 2,400 shall not be considered an additional EDU. The number of EDU's assigned for higher than average residential, commercial or industrial users shall be adjusted effective with the first date of the March billing cycle (February 26 through March 25).

2) **THAT** the following monthly base rates per EDU and ascending rate structure is hereby established:

a) **INSIDE THE CITY LIMITS**

Water system users located inside the City Limits of the City of Dayton shall be assessed for monthly water usage, the schedule of which is denoted as Exhibit 1, Option A, attached hereto and by this reference made a part hereof.)

b) **OUTSIDE THE CITY LIMITS**

Water system users located outside the City Limits of the City of Dayton shall be assessed for monthly water usage as follows:

The Base Rate per EDU shall equal the Base Rate adopted for users inside the City Limits plus \$5.00 for the first [0-400 cubic feet (cf)]. Any consumption above the base rate of 400 cubic feet shall be charged on the same ascending rate schedule applied to users inside the City.

- 3) **THAT** the new rate structure shall be reflected in the charges incurred during the July 2010 billing cycle; and
- 4) **THAT** this resolution repeals, in its entirety, Resolution #09/10-13 adopted by the City Council on September 8, 2009.

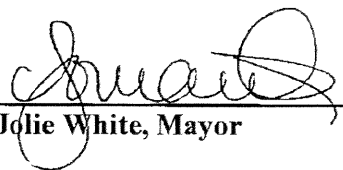
ADOPTED this 7th day of June, 2010.

In Favor: Blackburn, Frank, White, Wytoski

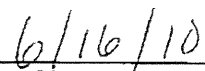
Opposed: Evers

Absent: Dickson, Hensley

Abstained: None

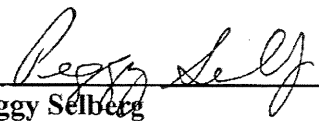


Jolie White, Mayor

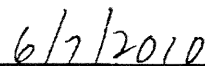


Date Signed

ATTEST:



Peggy Selberg
City Recorder



Date of Enactment

Exhibit 1

OPTION A

Based on Budget

0-400	401-600	601-1000	1001-2000	2001-3000	3001-4000	4001-5000	5001-6000	6001-7000	Total
\$ 52.50	\$ 2.76	.014/cf	.021/cf	.028/cf	.035/cf	.041/cf	.048/cf	.055/cf	
52.50									52.50
52.50	2.76	5.58							60.84
52.50	2.76	5.58	20.98						81.82
52.50	2.76	5.58	20.98	27.97					109.79
52.50	2.76	5.58	20.98	27.97	34.97				144.76
52.50	2.76	5.58	20.98	27.97	34.97	40.96			185.72
52.50	2.76	5.58	20.98	27.97	34.97	40.96	47.95		233.67
52.50	2.76	5.58	20.98	27.97	34.97	40.96	47.95	54.95	288.62

8.2 Water Regulations - Ordinance 602

8.2.1 Connection Required.

All new construction within the city, intended for habitation, public gatherings, and commercial and industrial activities, other than storage, must be connected to the city water system.

8.2.2 Private Water Supply.

Structures in existence before July 25, 1994, that were connected to a private water supply on that date are not required to connect to the City water system. They may request to receive City water, subject to provisions of this Chapter and payment of appropriate System Development Charges, and providing that no physical connection shall in any way, directly or indirectly, exist between the private system and the City's water system. When such connection is found to exist, the water service will be shut off.

8.2.3 Use of Water.

No customer supplied with water from the City mains shall be entitled to use it for any purpose other than stated in his or her application, or to supply in any way other persons or families.

8.2.4 Service Pipe Standards.

Service pipes of all sizes, within or without the premises, whether for domestic, commercial, or fire protection purposes, must be materials, quality, class, and size as specified by the City Public Works Standards.

8.2.5 Installation of Service Pipes.

The installation of all service pipes from the main to the meter shall be made by a licensed plumbing contractor at the expense of the customer and in accordance with the City Public Works Standards.

8.2.6 Service Pipe Maintenance.

(1) For customers within the City limits, the service pipe within the premises and throughout its entire length to the water meter or to the property line if the water meter is set behind the property line, must be kept in repair and protected from freezing at the expense of the customer, lessee, or agent, who must be responsible for all damages resulting from leaks or breaks.

(2) For customers outside the City limits, the service pipe within the premises and throughout its entire length to the master meter or water main, must be kept in repair and protected from freezing at the expense of the customer, lessee, or agent, who must be responsible for all damages resulting from leaks or breaks.

8.2.7 Prohibited Use of Water.

(1) Water will not be furnished where there are defective or leaking faucets, water closets, or other fixtures, or where there are water closets or urinals without self-closing valves, or tanks without self-acting float valves; and when such may be discovered, the supply may be withdrawn.

(2) No new water service will be installed to any structure, building, or premises, until it is determined to be in compliance with all provisions of the City's building, zoning, subdivision, and sewer codes. Service may be installed on a temporary basis for use in the construction of a building or structure, but such temporary service may be disconnected in the event of failure to comply with all provisions of such codes.

8.2.8 Alteration to or Operation of the System.

The operation and repair of the City's water system, including pipes, valves, pumps, reservoirs, fixtures, meters, etc., is the responsibility of the City. No property owner, plumber, contractor, or other person will be allowed to connect to the system without prior approval and inspection by the City, or to operate any part of the City's water system up to and including the water meter. Operation of, or tampering

with, the City's water system by an unauthorized person shall be a Class A Violation.

8.2.9 Entry Upon Private Property.

(1) City employees or their agents are authorized at all reasonable times to enter a customer's premises in which water may be delivered from the City mains for the purpose of inspecting the condition of exterior pipes and fixtures, the manner in which the water is used and to read meters.

(2) A property owner or occupant of a property shall not prevent agents of the City from performing the above duties by blocking or physically obstructing access, preventing access by the presence of an animal or animals that threaten or endanger an agent's safety, or by damaging the water system.

(3) No person shall interfere with or attempt to prevent a City employee or agent from entering upon private premises when a water emergency exists.

8.2.10 Regular Service

(1) Any customer receiving water service shall, at their own risk and expense, furnish and keep in good condition any equipment required for utilizing water.

(2) A customer may not make any material change in the size, character or extent of the equipment or operation utilizing water service without prior written approval of the City.

(3) A customer may not resell water received from the City, nor shall water be delivered to any premises other than those specified in the application for service.

(4) Only authorized City personnel and agents may turn water service on or off at the meter. It is a Class B violation for an unauthorized person to turn water service on or off.

(5) The City shall not be responsible for damage to premises which may be the result when water service is turned on or off, or discontinued or interrupted for improvements or repairs.

(6) Service connections are the property of the City, whether located on public or private property.

(7) A customer receiving water service from the City agrees, as a condition of the receipt of water from the City, that City employees or their agents are authorized to enter the customer's premises at reasonable times for any purpose reasonably related to the provision of water to the premises.

8.2.11 Fire Protection Service.

Fire protection facilities shall be allowed inside and outside a building under the following conditions:

(1) The customer using a fire protection system shall furnish and maintain a service meter approved by the City. Service connection and meter installation shall be required by the City at the expense of the customer.

(2) When a building has a fire protection service, whether a wet or dry sprinkler system, separate from the regular water service to the building, an approved proportional meter or detector check may be used in place of a service meter. The customer shall agree in writing that water supplied through this service will not be used for any purpose except for extinguishing a fire. If an approved proportional meter or detector check registers water use other than to extinguish a fire, the City may require installation of a service meter at the expense of the customer.

(3) No charge shall be made for water used by any fire department to extinguish a fire.

(4) The City may terminate water service to an approved fire protection system if water is used for

purposes not related to extinguishing a fire.

8.2.12 Outside City Service.

The following conditions shall be applicable to every customer for water service located outside of the City limits unless expressly provided otherwise by written agreement with the City:

- (1) Service will be provided subject to the capacity of the existing water system and the availability of surplus water to be determined by the Dayton City Council.
- (2) The City will act on each application for service on its merits without regard to other past or present applications or service.
- (3) Installation and maintenance of service lines from the connection to the City water main shall be at the sole expense of the owner of the property.
- (4) Pressure and other conditions are to be at the risk of the owner of the property, without guarantee, and the City shall have no liability for failure to provide service or for any failure of the system.
- (5) A nonresident water service agreement must be entered into between the City and the customer. Water service may be terminated upon violation of the nonresident water service agreement or a determination by the City Council that surplus water is no longer available.

8.2.13 Temporary Service.

Temporary service connections of up to six (6) months may be permitted subject to the following conditions:

- (1) Applicant must install at their own risk and expense, the facilities required to provide water service.
- (2) Applicant must pay the current deposit amount required of all new customers.
- (3) Applicant must pay for the cost of making repairs to the meter or other equipment if there is any damage during the temporary use of the service.
- (4) Temporary service connections may not extend beyond six (6) months unless an extension is requested in writing and granted by the City in writing.

8.2.14 Emergency Water Turn-off.

Where there is an imminent threat to the health and safety of the general public, the City may immediately turn-off water to any customer. A customer may request a hearing after turning-off water consistent with the provisions of Section 8. In such cases, where the necessity for emergency termination was through no fault of the customer, there shall be no charge to reconnect the customer's service.

8.2.15 Turn-off for Repairs.

The water may at any time be turned-off from the mains for repairs or other necessary purposes, and the City will not be liable for any consequent damage. If possible, customers affected will be notified prior to turning off water.

8.2.16 Meters.

- (1) Meters shall be the property of the City after installation and after inspection and approval by the Public Works Superintendent.
- (2) No rent or other charges shall be paid by the City for a meter or other equipment located on the

customer's premises.

(3) Cost of meters, meter boxes, covers, lids and installation shall be paid by the customer. City shall make meters and boxes available to customer at City's cost.

(4) Meters shall be sealed by the City at the time of inspection, and no seal shall be altered or broken except by its authorized agents. In addition to penalties provided in any state or federal statutes, it is a Class A Violation for any person other than an authorized city agent to alter a water meter seal.

(5) Individual meters are required for single-family dwellings and each dwelling unit for two-family and three-family dwellings, manufactured homes, manufactured home parks, and manufactured home subdivisions. Individual meters are not required for boarding or rooming houses, multi-family dwellings with 4 or more units, hotels, motels, or recreational vehicle parks.

(6) If a change in size of a meter and service is required, the customer must reapply for water service with the City.

(7) Meters must be placed within two (2) feet of the property line and may not be placed inside any structure or covered by landscaping, fencing, or gravel. Meters that are improperly placed or obscured by property owners in any manner must be moved or uncovered at the expense of the property owner.

8.2.17 Abandoned Service.

When a water service connection has been abandoned or not used for a period of one year or longer, the city may remove the connection. New service will be turned on only upon a new application filed with the City. Whether a service connection has been abandoned will be at the sole determination of the City.

8.2.18 Resale of Water.

No person receiving City water may resell water received by him or her from the City, nor shall water be delivered to premises other than those specified in the application for service.

8.2.19 Large Withdrawal of Water.

(1) When a residential customer or other person is interested in making a withdrawal of water greater than 5,000 gallons, such as for filling swimming pool or pond, prior approval of the City is required. Permission shall be given only if sufficient water reserves are available to meet the request and if water can be withdrawn in a manner that will not adversely affect the existing water system or inhibit the ability of existing customers to maintain consistent water service as determined by the City Administrator.

(2) Bulk users, such as commercial cleaning services, commercial spraying businesses, and other commercial bulk users of water recognized by the City may request a bulk water permit from the City Administrator.

(a) To acquire the permit, the applicant's tankers must be inspected and approved by the Superintendent for cross connection control devices and valve compliance.

(b) Bulk water permits shall be approved only if sufficient water reserves are available to meet the request and if water can be withdrawn in a manner that will not adversely affect the existing water system or inhibit the ability of existing customers to maintain consistent water service as determined by the City Administrator.

(c) Bulk water will be charged at a bulk water rate established by resolution of the City Council.

8.2.20 Access to Premises.

The City and its agents shall, during reasonable hours, have the right to enter a premises receiving water and sewer services, for a purpose connected with the service of water and sewer to the premises.

8.2.21 City Liability.

The City shall not be liable for damage to a premises served by city water and sewer which may be the result when water service is turned on or off, or either service is discontinued or interrupted for improvements or repairs.

8.2.22 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 or omission by the customer, tenants or agents. The damage shall include, but is not limited to, the breaking or destruction of seals and damage to a meter that may result from hot water or steam, from a boiler or heater on the customer's premises, use of blow torch or heating device to thaw frozen lines, or use of tools to illegally turn water meters on or off.

8.2.23 Indemnification.

Every customer shall be liable to the City for all expenses, including attorney fees, incurred by the City in the defense or paid by the City in settlement or satisfaction of any claim, demand, action or suit brought by reason of the customer's failure to satisfy the obligations imposed by this Chapter.

8.2.24 Levels of Water Restrictions, Crisis and Emergencies Imposed: (Revised 10/4/10; Ordinance 602)

(1) Grade 1 Watering Restriction (Limited). The City Manager may declare and impose Grade 1 Water Restrictions(s) on water users when he/she (after consultation with the Public Works Superintendent) determines in writing that a potential for a water shortage exists based on the presence of one or more of the following events/conditions:

- a) Extended period(s) of above average temperatures;
- b) Extended period(s) of above average combined system daily demand;
- c) Lower than normal (seasonally-adjusted) reservoir levels;
- d) Below average spring and well productions;
- e) Transmission line or equipment failure; or
- f) Any other natural or man-made condition/event which reasonably could be seen by the Manager to interrupt delivery of potable water.

Public notification of the City Manager's determination shall be given by a news release to appropriate print, radio and/or television media as well as by notices delivered to water utility customers.

(a) Prohibitions Inside and Outside City Limits. During Grade 1 Water Restrictions, all City supplied water users are prohibited from:

- 1) Supplying water for above or in-ground swimming pools; and/or
- 2) Use of water outside the home other than uses described in subsections b(1) through b(6).

(b) Prohibitions Inside City Limits. During

Grade 1 Water Restrictions, in-city water users are prohibited (except between 12:01 am to 10:00 am and 6:00 pm to 12:00 am) on even-numbered days for locations with even-numbered street addresses and odd-numbered days for locations with odd-numbered street addresses from:

- 1) Except for new grass or turf seeded or sodded not more than ninety (90) days prior to the City Manager's declaration, watering, sprinkling or irrigating grass or turf;

- 2) Watering, sprinkling, or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation or trees;
 - 3) Except to alleviate immediate fire or sanitation hazards, dust control or to meet air quality requirements mandated by the Oregon Department of Environmental Quality, the watering, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas;
 - 4) Power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction or for aesthetic purposes;
 - 5) Except where public health, safety and welfare mandates otherwise, washing trucks, cars, trailers, tractors or other land vehicles or boats or other water vehicles, except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes; and
 - 6) Cleaning, filling, or maintaining decorative water features, natural or man-made, including but not limited to, fountains, lakes, ponds and streams, unless the water is re-circulated through the decorative water feature.
- (c) Restrictions and Prohibitions Outside City Limits. For users residing outside the City Limits, all outside watering is prohibited except for watering vegetable gardens between the hours of 12:01 am and 10:00 am and 6:00 pm and 12:00 am on even numbered days for those locations having even numbered street addresses and odd numbered days for those locations having odd numbered street addresses.

(2) Grade 2 Water Crisis (Moderate).

The City Manager may declare a "Grade 2" Water Crisis when he/she determines (after consultation with the Public Works Superintendent) that a water shortage presently exists in the City. The City Manager may impose any or all of the measures listed in subsections 2(d) through 2(f) until such time as he/she reasonably believes the water shortage no longer exists.

(b) The City Manager shall notify the public of the "Grade 2" status using newspaper, radio and other media sources and the notification shall include a request that affected users of City water voluntarily curtail all nonessential water use. Public updates on the water emergency shall be provided until the Grade 2 Crisis is either rescinded or lowered to Grade 1.

(c) In the event the City Manager believes the Grade 2 crisis affects a limited number of users such that individual notification would be more effective, the City Manager may opt for said individualized notice in lieu of the notice described in 2(b) above.

(d) Prohibitions Inside and Outside City Limits. During a declared Grade 2 Water Crisis, all users of City water are prohibited from:

- 1) Filling new above or in-ground swimming pools;
- 2) Cleaning and refilling existing above or in-ground swimming pools; and
- 3) Leaving hoses or faucets unattended and running.

(e) Prohibitions Inside City Limits. During a declared Grade 2 Water Crisis, for water users inside the City limits, (in addition to the limitation imposed by subsection (d) above) the following actions are prohibited:

- 1) Watering, sprinkling or irrigating any lawn, grass or turf;
- 2) Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, vegetation, or trees;

- 3) Washing trucks, cars, trailers, tractors or other land vehicles, except in facilities reusing the water in their washing processes;
 - 4) Power washing of buildings;
 - 5) Watering, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas except where there is a demonstrable need in order to meet public health or safety requirements, such as to alleviate or address fire or sanitation hazards; and
 - 6) Filling decorative water features, natural or man-made, including but not limited to, fountains, lakes, ponds and streams, except in limited amounts necessary to keep fish or other aquatic animals alive.
- (f) Restrictions and Prohibitions Outside City Limits. During a declared Grade 2 Water Crisis, for users residing outside the City limits, all outside watering is prohibited except for the provision of drinking water for livestock and domestic animals.
- (3) Grade 3 Water Emergency (Severe).

The City Manager may declare a "Grade 3" Water Emergency when he/she determines (after consultation with the Public Works Superintendent and informing members of the City Council) that a water supply shortage threatening the City's ability to deliver essential fire and life safety water supplies to its customers either exists or is imminent. In the event of such declaration, the City Manager has, in addition to the authority for restrictions in a Grade 2 Crisis, authority to impose such additional restrictions which he/she reasonably believes will promote the City's ability to deliver water supplies sufficient to meet the City's essential fire and life safety supply needs.

All media shall be notified and updated regularly until the "Grade 3" Water Emergency is rescinded or lowered to Grade 2.

8.2.25 Notification.

- (1) Upon declaration of a Grade 1 Restriction, Grade 2 Crisis or Grade 3 Emergency, the City Manager or designee shall:
 - (a) Cause notice to be mailed or delivered to each affected service address inside and/or outside the City limits declaring the level thereof, reason(s) therefore and effective date;
 - (b) Cause notice to be published in at least one local newspaper of general circulation;
 - (c) Notify area newspapers, radio and television stations by press release; and
 - (d) Place a notice on the Fire Department Reader Board.
- (2) Failure of any affected person to receive notice shall not relieve the user of complying with any restrictions.

8.2.26 Enforcement for First and Repeated Violations: Warning, Discontinuance of Service, and Appeal Procedure.

- (1) Any violation of the mandatory restrictions set forth in DMC 8.2.24 shall be enforced by the City Manager or his/her designee as follows:
 - (a) Warning for First Offense. A Notice of Violation shall be delivered to the premises where the

violation occurred. The Notice shall state date, time and observed or presumptive evidence of the violation. If the owner or occupant of the premises is not present, the Notice will be posted on the front door advising the user of the violation and warning that water service may be discontinued without further notice if the violation continues. A Notice of Violation based upon presumptive evidence may be appealed to the City Manager by submitting within one (1) working day of the warning a written request for an informal hearing.

(b) Repeat Offense - Discontinuance of Service.

(1) Whenever the City Manager (or designee) reasonably believes that there exists a second violation of any of the relevant restrictions set out in 8.2.24.1 at a Premise, the City Manager (or designee) may cause water service to be disconnected to said Premise. Prior to disconnection, the City shall post and/or deliver to the owner (and if different, the occupant) notice of the proposed disconnection not less than forty-eight (48) hours before the service disconnection. Notwithstanding the foregoing, in the event the City Manager (or designee) believes an imminent threat to public safety exists as a result of the violation, the disconnection may take place without prior notice.

(2) Prior to water service being re-established to the Premises, a reconnection fee shall be paid in all cases.

(c) Appeal of Discontinuance of Service.

(1) Upon payment of the reconnection fee, the owner and or occupant of the Premises may appeal the disconnection and payment of the reconnection fee to the City Manager. An appeal must be taken, if at all, within ten (10) calendar days of the payment of the reconnection fee and shall include a written explanation of why the owner and/or occupant believes no violation of the relevant provisions(s) of 8.2.24.1 occurred.

(2) The City Manager shall hear the appeal and if sustained refund the reconnection fee within three (3) days of such request. The City Manager's decision shall be final.

8.2.27 Repeal of Water Restriction, Crisis, or Emergency.

The City Manager, after consultation with the Public Works Superintendent and informing the City Council, may repeal or declare a lower level of water restriction, crisis, or emergency.

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.

