

AFFIDAVIT OF POSTING
ORDINANCE CB-0-8-84

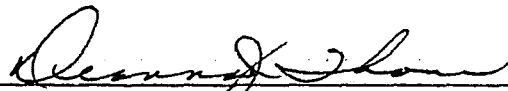
STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
 AND WASHINGTON)
)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 1st day of February, 1984, I caused to be posted, copies of the attached Ordinance CB-0-8-84, an ordinance adopting rules and regulations for the Water Department of the City of Wilsonville; providing for the collection of water bills; establishing rules and regulations pertaining to the sale of bulk water; permitting the extension of service lines and sale of water outside the city limits for other agencies or departments of government; establishing rules and regulations for connection to fire hydrants; providing penalties for violations; amending the Wilsonville Code by adding new sections 3.075, 3.101, 3.103, 8.001, 8.000 and amending sections 3.100, 3.102, 3.104, 3.106, 8.030, 8.032 and 8.100; repealing Ordinances No. 34, No. 57 and No. 135; and declaring an emergency, in the following four public and conspiciou places of the city, to wit:

- WILSONVILLE CITY HALL
- WILSONVILLE POST OFFICE
- LOWRIE'S FOOD MARKET
- KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 6th day of February, 1984.



DEANNA J. THOM, City Recorder

Subscribed and sworn to before me
this 3rd day of February, 1984.

Vera A. Rojas
NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1985

ORDINANCE NO. 252

AN ORDINANCE ADOPTING NEW RULES AND REGULATIONS FOR THE WATER DEPARTMENT OF THE CITY OF WILSONVILLE; PROVIDING FOR THE COLLECTION OF WATER BILLS; ESTABLISHING RULES AND REGULATIONS PERTAINING TO THE SALE OF BULK WATER; PERMITTING THE EXTENSION OF SERVICE LINES AND SALE OF WATER OUTSIDE THE CITY LIMITS FOR OTHER AGENCIES OR DEPARTMENTS OF GOVERNMENT; ESTABLISHING RULES AND REGULATIONS FOR CONNECTION TO FIRE HYDRANTS; PROVIDING PENALTIES FOR VIOLATIONS; AMENDING THE WILSONVILLE CODE BY ADDING NEW SECTIONS 3.075, 3.101, 3.103, 3.105, 8.001, 8.002 AND AMENDING SECTIONS 3.100, 3.102, 3.104, 3.106, 8.030, 8.032 AND 8.100; REPEALING ORDINANCES NO. 34, NO. 57 AND NO. 135; and DECLARING AN EMERGENCY.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. Section 3.075 shall be added as follows:

3.075 - DEFINITIONS. (1) For purposes of Chapter 3, the following words and phrases shall have the meanings ascribed to them in this section:

(a) "Air Gap" shall mean the unobstructed verticle distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device, and the flood level of said vessel. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel; and, in no case, less than one inch (1"). When an air gap is used at the service connection to prevent the contamination of pollution of the public potable water system, an emergency by-pass shall be installed around the air gap system and a reduced pressure principle device, as approved by

the Foundation for Cross-Connection Control and Hydraulic Research, (hereinafter called F.C.C.C.H.R.), shall be installed in the by-pass system.

(b) "Appeals Board" shall be the City Council.

(c) "Auxiliary Water Supply" shall mean any water supply on or available to the premises other than the City's approved public potable-domestic water supply. These auxiliary waters may include water from another purveyor's potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids." These waters may be polluted or contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

(d) "Backflow" shall mean the flow of water or other liquids, mixtures or substances under pressure into the distributing pipes of a public potable-domestic water supply system from any source or sources other than the public potable-domestic water supply source of the City.

(e) "Backflow Preventor" shall be a device or other means designed to prevent backflow or back-siphonage.

(f) "Back-Siphonage" shall mean the flow of water or other liquids, mixtures or substances into the distributing pipes of a public potable-domestic water supply system from any source other than the public potable-domestic water source of the City, caused by the sudden reduction of pressure in the public

potable water supply system.

(g) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

(h) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste and other drainage pipes inside the walls of the buildings and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(i) "Building Sewer" shall mean the extension from the building drain to the property or right-of-way line for connection with the public sewer service connection.

(j) "Building Water Service" shall mean the piping structures and appurtenances from the City-owned meter up to five feet (5') of the structure.

(k) "City Administrator" shall be as defined in Section 2.105 of the Wilsonville Code.

(l) "City Council" shall mean the elected Council by charter of the City of Wilsonville.

(m) "City Rules and Regulations" shall mean duly promulgated rules and regulations of the City and its duly constructed departments, agents, agencies and employees.

(n) "Combined Sewer" shall mean a sewer receiving both

surface runoff and sewage.

(o) "Commercial" shall mean all buildings or structures which are not classified residential or industrial.

(p) "Contamination" shall mean an impairment of the quality of the public potable water by sewage, industrial fluids, or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.

(q) "Cross-Connection" shall mean any physical connection or arrangement of piping or fixtures between two other separate piping systems, one of which contains public potable water and the other, non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow or back-siphonage may occur in the potable water system. A water service connection between a public potable water distribution system and a customer's water distribution system, which is cross-connected to a contaminated fixture, industrial fluid system or a potentially contaminated supply or auxiliary water system, constitutes one type of cross-connection. Other types of cross-connections may include, but are not limited to, connectors such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices, sliding multi-part tubes or solid connections.

(r) "Cross-Connections Control by Containment" shall mean

the installation of an approved backflow prevention device at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate and control all actual or potential cross-connections within the customer's building water service; or, it shall mean the installation of an approved backflow prevention device on the water service line leading to and supplying a portion of a customer's building water service where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of cross-connection.

(s) "Cross-Connections Controlled" shall mean a connection between a public potable water system and a non-potable water system with an approved backflow prevention device properly installed, that will continuously afford the protection commensurate with degree of hazard.

(t) "Customer" shall mean any individual, firm, company, corporation, association, society, group or owner who receives water service from the City.

(u) "Director" shall mean the Public Works Director for the City of Wilsonville.

(v) "Double Check Valve Assembly" shall mean an assembly of two independently operating approved check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of

each check valve. The entire assembly shall meet the design and performance specification and approval of a recognized City approved testing agency for backflow prevention devices. To be approved, these devices must be readily accessible for in-line maintenance and testing in a watertight vault for reduction of possible contamination.

(w) "Garbage" shall be as defined in Section 8.100(c), of the Wilsonville Code.

(x) "Hazard, Degree of" shall mean an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

(y) "Hazard - Health" shall mean any condition, device or practice in the public water system and its operation which could create or, in the judgment of the superintendent, may create a danger to the health and well-being of the water customer. An example of a health hazard is a structural defect, including cross-connections, in a water supply system.

(z) "Hazard - Plumbing" shall mean a plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention device. Unprotected plumbing type cross-connections are considered to be a health hazard.

(aa) "Hazard - Pollution" shall mean an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable

water system, which would constitute a nuisance or would be aesthetically objectionable or could cause damage to the system or its appurtenances, but which would not be dangerous to health.

(bb) "Hazard - System" shall mean an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

(cc) "Industrial" shall mean all buildings or structures in which a product is manufactured, stored or distributed, or any combination of the above.

(dd) "Industrial Fluids System" shall mean any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard, if introduced into an approved water system. This may include, but is not limited to, polluted or contaminated waters, all type of process waters and "used waters" originating from the public potable water system which may have deteriorated in sanitary quality, chemicals in fluid form, plating acids and alkalies, circulated cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with

toxic substances, contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or similar systems, oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used for industrial, fire fighting or other purposes.

(ee) "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

(ff) "Irrigation Water" shall mean the water utilized exclusively for irrigation purposes.

(gg) "Major Sewer Line Extension" shall mean the extension of a sanitary sewer mainline that is or will be located within public rights-of-way or dedicated easement.

(hh) "May" is permissive.

(ii) "Natural Outlet" shall mean any outlet into a water course, pond, ditch, lake or other bode of surface or groundwater.

(jj) "Official" shall mean Building Official for the City of Wilsonville.

(kk) "Owner" shall mean the person(s) who may hold title to or lease the property for which water service has or will be provided.

(ll) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(mm) "Pollution" shall mean the presence of any foreign substance (organic, inorganic or biological) in water, which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

(nn) "Potable-Domestic Water" shall mean water which is for human consumption.

(oo) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(pp) "Public Sewer" shall mean a sewer, either sanitary or storm, in which all owners of abutting properties have equal rights, and is controlled by public authority.

(qq) "Reduced Pressure Principle Device" shall mean an assembly of two independently operating approved check valves with an automatically differential relief valve between the two check valves, tightly closing shutoff valves on either side of the check valve, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and

approval of a recognized City approved testing agency for backflow prevention assemblies, utilizing the methods outlined by the F.C.C.C.H.R. The device shall operate to maintain the pressure in the zone between the two check valves at a level less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the two check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall be open to the atmosphere. To be approved, the devices must be readily accessible for in-line maintenance and testing and be installed in a location where no part of the device will be submerged.

(rr) "Residential" shall mean buildings or structures which are built to be occupied for living purposes.

(ss) "Sanitary Sewer" shall mean a City sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

(tt) "Service Connection" shall mean the installation which connects the water service line with the building water service, which includes, but shall not be limited to the following: meter, meter box, meter vault, check valves,

fittings, seals or other materials to make such connection as deemed necessary by the Superintendent.

(uu) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

(vv) "Sewage System" shall mean all City-owned facilities for collecting, pumping, treating and disposing of sewage.

(ww) "Sewage Treating Plant" shall mean any arrangement of devices and structures used for treating sewage by the City.

(xx) "Sewer" shall mean a pipe or conduit for carrying sewage.

(yy) "Shall" is mandatory.

(zz) "Slug" shall mean any discharge of water, sewage, or industrial waste which, in connection with any given constituent or in quantity of flow, exceeds for any period or duration longer than fifteen (15) minutes or more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(aaa) "Storm Drain" (sometimes termed "Storm Sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling waters.

(bbb) "Superintendent" shall mean Water Superintendent for the City of Wilsonville.

(ccc) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

(ddd) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(eee) "Water Department" shall mean the Water Division of the Public Works Department.

(fff) "Water Main Line" shall mean water main lines which are six inches (6") or larger, constructed within a city right-of-way or dedicated easement.

(ggg) "Water - Non-Potable" shall mean water which is not safe for human consumption.

(hhh) "Water Service Line" shall mean the water supply system from the water main line to the property line.

2. 3.100 shall be amended as follows:

3.100 - SERVICE CONNECTIONS AND REGULATIONS. (1) Water will be furnished by the City for potable-domestic, residential, business, community, commercial, industrial and fire protection purposes only. No service will be supplied, or water furnished, to any premises, be it residential, commercial or industrial, except on the written application of the owner or occupant of said premises. Application for the use of water must be made on printed forms to be furnished by the City. All applications must state fully and accurately the purposes for

which the water is required and, as a condition for the use of the water, the applicant must agree to conform to the rules and regulations of the Water Department and applicable ordinances and resolutions relating to the Water Department as to the use and distribution of water.

(2) The City shall install all service connections of such size and location as a customer requests, provided that such request has been approved by the Superintendent, to assure proper sizing, and other relevant matters. The service shall be installed from the main to a point in the City's right-of-way, easement, or land dedicated for such purposes. Where a curb exists, the service shall be installed from the main to a point between the curb line and the property line of the affected premises. The City shall not be responsible for extending, or the cost of extending, a water service line beyond the meter. All pipes from the meter to the premises must be installed in accordance with good engineering and plumbing practices, with complete on-site plumbing improvements to private property to be approved by the Official of the City, and maintenance to meet standards set by the Uniform Plumbing Specialty Code in existence at the time of maintenance. Extensions of a water service line beyond the meter and to the premises to be served with water, shall be at the property owner's or applicant's expense, and such installations shall conform to all requirements by the Official or Superintendent,

as the case may be, and shall first be approved by such City official before connection is made to the City water mains. If a water service line is not already provided at the property line, it shall then be installed under City jurisdiction at the owner's expense.

(3) Water mains, service lines, meters and any other water service facilities shall not be extended onto or installed in private property without prior consent of the City, and not then unless an easement is acquired from the property owner to the City for access to the water line(s) for repair or replacement of those lines in the future. Each water main, service line or meter must also be installed or constructed according to the City of Wilsonville's Public Works Standards prior to acceptance by the City of Wilsonville of any water main line or water line easement.

(4) The owner or customer shall, at his 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 for the building service. The City shall not be responsible for loss or damage caused by the improper installation of the equipment or the negligence or wrongful act of the customer in installing, maintaining, using, operating or interfering with the equipment.

(5) The City shall not be responsible for damage to property caused by a spigot, faucet, valve or other equipment

that is open when the water is turned on at the meter, except when caused by the negligence of the City or its employees.

(6) A customer making any material change in the size, character or extent of the equipment or operation utilizing water service or whose change in operations results in a large increase in the use of water, shall immediately give the City written notice of the nature of the change and, if requested by the City, amend his application.

(7) 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.

(8) In all cases where connections to the City's water supply are to be made for meters larger than one and one-half inches (1-1/2"), an estimate of the charges shall be made by the Superintendent, or designated staff person, upon the filing of the application for such service, and such estimated charges shall be paid to the City Recorder before work is commenced. The building service shall not be connected to the meter by the City until the owner or applicant has completed the following:

(a) All fees have been paid by the applicant for such installations;

(b) The applicant's water service(s) or irrigation services to the proposed meter installation are ready to be connected and all sewer/plumbing is complete;

(c) The approved permitted construction plans

indicate the set evaluation for the meter boxes to be installed;

(d) The applicant has staked the meter locations and set the elevation markers for the meter boxes;

(e) The applicant has signed a Hold Harmless Statement which indicates the City will not be responsible for contamination of the water supply on-site by the installation of the meters, and that if any damage occurs after the meter is installed and set, as dated on the return installation form sent to Finance, the applicant shall be billed and be responsible for any repairs. No "Certificate of Occupancy" nor Final Certificate shall be signed by Public Works until such payment is made.

(9) The City may, at any time and without notice, shut off the water supply from the water mains for repairs, extensions or for violations affecting the safety, health and welfare of the citizens of the City. Neither the City nor any officer, official or employee thereof shall be held responsible for damage caused by shutting off said water supply or by a collapsed or broken water main line, or the explosion or collapse of boilers or tanks.

(10) No plumber or other person shall be allowed to make connection to the water mains or other water lines of the City or to make alternations in any conduit, pipe or fixture in connection therewith or on any premise without approval of the Superintendent or Director of the City. Water main lines must

be laid at least thirty-six inches (36") deep, water service lines must be a minimum of twenty-four inches (24") deep, and both water main lines and service lines shall be separated from all public sanitary sewer lines by a minimum of eighteen inches (18") vertical distance above and ten feet (10') distance horizontally. Each water service line must be provided with stop cocks and drain plugs and all standpipes or fittings of any kind must be located, anchored and installed so as not to interfere with or endanger the meter.

(11) The City and its officers, officials or employees shall not be held responsible for or liable to any person(s) for any interruptions of water service, depletion or contamination of the City's water source or water supply; and the City and its officers, officials, or employees shall not be held responsible or liable for any injuries to persons or damage to property arising out of or caused by the City's water or water service or for failure to furnish water to any applicant, except such as may be caused by the negligence of the City or its officers, officials or employees.

(12) A water valve shall be required at the end of any water main line as designated by the Director. Each property user or owner, at the time of installation of water mains to or on the owner's property, shall install a valve of proper structural design as required in the City's Public Works Standards at the location designated by the Director to insure

less complicated connections to the water mains by future users. The valve shall be installed at the owner's expense.

(13) Water service lines shall not be extended outside the City limits and water shall not be metered or sold outside the City limits, except, however, when the Council may approve and authorize, by motion, the extension of a line or lines outside the City limits for the purpose of furnishing City water to any property or facility which is owned, used, occupied, leased or operated by any agency or department of Federal, State, County or special district; or when the Council may approve and authorize, by motion, the extension of a line or lines, outside the City limits but inside the City's Urban Growth Boundary for the purposes of furnishing City water to any property or facility which is privately owned, used, occupied or operated, provided that there is a finding that such extension will comply with Goals 2, 9, 11 and 14 of the Oregon Land Conservation and Development Commission. Any extension outside the City limits shall be subject to Section 3.116 of this Code and such additional fees as shall be determined from time to time by the City Council to be reasonable and prudent for such extension outside the City limits. All water service user fees, whether permanent or temporary, for any service provided outside the City limits shall be billed at two (2) times the normal rate as previously established by resolution.

3. Section 3.101 shall be added as follows:

3.101 - Cross-Connection Control General Policy. (1) The purpose of this section is to protect the public potable water supply of the City from the possibility of contamination or pollution by isolating, within its customers' internal distribution system(s) or its customers' private water system(s), contaminants or pollutants which could backflow or back-siphon into the public water supply system; and

To promote the elimination or control of existing cross-connections, actual or potential, between its customers' in-plant potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping system(s); and

To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

(2) The Director, or his designee, shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of said Director, or his designee, an approved backflow prevention device is required at the City's water service connection to any customer's premises for the preservation, life, health or safety of the citizens or the water system, the Director, or

his designee, shall give notice in writing to said customer to install such an approved backflow prevention device at each service connection to his premises. The customer shall, within forty-eight (48) hours of receipt of notice, install such approved device or devices at his own expense. Failure, refusal or inability on the part of the customer to install said backflow prevention device or devices within the forty-eight (48) hour period, shall cause the Water Department to discontinue service of water to the structure or premises until the backflow prevention system, as approved and inspected by the Director, or his designee, is installed.

(3) No water service connection to any premises shall be installed or maintained by the City unless the water supply is protected by State of Oregon regulations, City Code or any combination thereof. Service of water to any premises shall be discontinued by the City if a backflow prevention device required by the City Code 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. Water service will not be restored until such conditions or defects are corrected.

(4) The customer's system shall be open for inspection at all reasonable times to authorized representatives of the City to determine whether cross-connections or other structural or

sanitary hazards, including violations of the provisions of this chapter, exist. When such a condition becomes known, the Director, or his designee, 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 State statutes and City Code relating to plumbing and water supplies and any regulations adopted pursuant thereto.

- (5) (a) 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 serviced, but, in all cases, before the first branch line leading off the service line wherever any of the conditions listed in 1 - 4 below exist. All backflow prevention devices shall be installed under the supervision of the Director, or his designee, and the responsibility for all costs for the installation of any backflow prevention devices required by the Director, or his designee, shall be that of the owner(s). Situations which require specific backflow prevention devices include, but are not limited to, the following examples:

- (1) In the case of premises having two or more floors, the public water system shall be protected against backflow from the premises by

installing a backflow prevention device in the building service line that is appropriate for the degree of hazard.

(2) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality, and which is not acceptable as an additional source by the Director, or his designee, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the building water service that is appropriate for the degree of hazard.

(3) In the case of premises on which any industrial fluids or other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing a backflow prevention device in the building water service that is appropriate for the degree of hazard. This shall include the handling of process waters and waters originating from the City water system which have been subject to deterioration in quality.

(4) In the case of premises having internal

cross-connections that cannot be permanently corrected and controlled, or having intricate plumbing and piping arrangements, or where all portions of the premises are not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line.

(b) The type of protection device required under subsections (1), (2), (3) and (4) above, shall depend upon the degree of hazard which exists and shall be as follows:

(1) In the case of any premises where there is an auxiliary water supply as stated in subsection (2) of this section, and it is not subject to subsection (2), the public water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention device.

(2) In the case of any premises where there is water or any other substance that would be objectionable but not hazardous to health if introduced into the public water system, the

public water system shall be protected by an approved double check valve assembly.

(3) In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an air gap separation or an approved reduced pressure principle backflow prevention device or any combination of subsection (b), 1 - 5, as determined by the Director, or his designee. Examples of premises where these dangerous materials exist include, but are not limited to, sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

(4) In the case of any premises where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention device at the service connection or by any combination of subsection (b), 1 - 5, as determined by the Director or his designee.

(5) In the case of any premises where, because

of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow or back-siphonage from the premises by the installation of a backflow prevention device in the water service line. In this case, maximum protection shall be required; that is, an approved air gap separation or an approved reduced pressure principle backflow prevention device or any combination of subsection (b), 1 - 5, as determined by the Director or his designee, shall be installed in each service to the premises.

(6) Any backflow prevention device required herein shall be of a model and size approved by the Superintendent. The term "Approved Backflow Prevention Device" shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association, entitled "AWWA C506-78 - Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices," the State Health Division, Chapter 333, Section 42-230, Cross-Connection Control requirements, and has

met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California, established by "Specification of Backflow Prevention Device" #69-2, dated March, 1969, or the most current issue.

(i) Said AWWA and FCCC and HR Standards and Specifications have been adopted by the Water Division of the Public Works Department and the City. Final approval shall be evidenced by a "Certification of Approval" issued by an approved testing laboratory certifying full compliance with said AWWA Standards and FCCC and HR Specifications. The following testing laboratory has been qualified by the City to test and certify backflow preventers:

Foundation for Cross-Connection Control
& Hydraulic Research
University of Southern California
University Park
Los Angeles, CA 90007

Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the Superintendent and the City.

(ii) Backflow preventers which may be

subject to back pressure or back-siphonage that have been fully tested and have been granted a Certificate of Approval by said qualified laboratory, and are listed on the laboratory's current list of "Approved Devices," may be used without further tests or qualifications.

(6) 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 Water Superintendent deems the hazard to be great enough, he may require that certified inspections be made at more frequent intervals. These inspections and tests shall be at the expense of the water user or owner and shall be performed by the device manufacturer's representative, by the Water Division of the Public Works Department personnel or by a certified tester approved by the State Health Department. It shall be the duty of the Water Division of the Public Works Department to see that these timely tests are made. The customer/owner's and the City's representative may witness the tests, if desired. The devices shall be repaired, overhauled or replaced at the expense of the customer/owner whenever said devices are found to be defective. Records of such tests, repairs and overhauls shall be kept and filed with the City by the Superintendent,

for recordation purposes.

(7) Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the Superintendent finds that the maintenance constitutes a hazard, the Superintendent shall implement any section of this Code, applicable to the situation.

4. Section 3.102 shall be amended as follows:

3.102 - Temporary Connections and Bulk Sales of Water. (1)

Charges for water furnished through a temporary service connection or bulk water connection shall be at the established rates for bulk water customers.

(2) The applicant for temporary service or bulk water shall be required:

(a) To pay to the City, in advance, the estimated cost of installing, operating and removing the facilities to furnish the service.

(b) To deposit an amount sufficient to cover bills for water during the entire period temporary service may be used or to establish credit approved by the City.

(c) To deposit with the City an amount equal to the value of equipment loaned by the City. This deposit shall be refundable, less cost of any necessary repairs.

(3) The City will sell bulk water from the City's

municipal water supply providing:

(a) The Director or designated City staff member determines there is sufficient City water for any requested bulk water sale.

(b) A written application for the purchase is first filed with the Director or designated City staff member on such forms as may be prescribed.

(c) The application is first approved by the Superintendent.

(d) The applicant agrees in an application to comply with the terms thereof and the provision of this section of the Code, and to pay in full the total purchase price for the water purchased and within the time limited therefor.

(4) Temporary connections are to be utilized prior to the final or occupancy permit issuance or final connection of the permanent meter, whichever the case may be. All charges for water used under a temporary service shall be computed through bulk water permits.

(5) No bulk water is to be transported or used outside the City limits unless approval is granted by the City Council or its designee. All connections to the City water or fire hydrants for the purchase of bulk water shall be made at such time and place as directed by the Superintendent, or designated staff person, and the connection location shall be indicated on

the application form. Connections shall be made with an appropriate hydrant valve which shall either be furnished pursuant to Section 3.102(2)(a) or by the owner if approved by the Superintendent or designated staff person.

(6) The customer shall use all possible care to prevent damage to the meter or other equipment loaned by the City to the owner. The owner shall give the City forty-eight (48) hours notification of completion of utilization of equipment loaned by the City. The City shall then remove equipment and make necessary billing preparations. If the meter or other equipment is damaged, the cost of making repairs shall be paid by the owner or customer.

(7) Temporary service connections and bulk water permits have a maximum service time of ninety (90) days. Any additional time will necessitate an extension through reapplication to the Water Department of the City.

5. Section 3.103 shall be added as follows:

3.103 - Meters. (1) Meters shall be furnished and owned by the City. All expenses for meter installation shall be that of the owner.

(2) Meters shall be sealed by the City at the time of installation and no seal shall be altered or broken except by the Superintendent or designated staff person.

(c) If a change in meter size and service is required, the installation shall be accomplished on the basis of a new

connection.

(4) Water service lines of suitable size shall be furnished by the City upon prepayment of the water service connection and installation charges. The City shall furnish all labor and materials necessary for the connections, including tapping of mains, installation of corporation stops, meters, meter boxes, connections, backflow prevention devices where specified by the Director, and the pipe or tubing that may be necessary. Sizes of meters, pipes and other materials to be used in water service connections and installation shall first be approved by the Superintendent or Director. Water service connection, from the main to the meter, shall be maintained by the City without further costs to any specific water customer after the proper final inspections and warranty periods for the service installation have been completed.

(5) Meter installations:

(a) Residential - single family:

(1) A separate meter shall be installed for each family residence for public potable-domestic use.

(b) Residential - multi-family; includes apartments, townhouses, condominiums, duplexes, four-plexes and similar housing:

(1) Rental Units:

(i) A separate meter shall be required for each building or structure which has need

for public potable-domestic water supply, unless a homeowner's association shall, in writing, verify continuous payment of the water charge, but in no event shall not less than one meter per building or structure be installed.

(ii) A separate meter shall be required for the irrigation system which shall also have a separate distribution line other than the public potable-domestic supply. The irrigation supply can be connected from the potable service with proper backflow preventor as specified by the Superintendent.

(iii) The owner or customer shall be responsible for payment of all water charges, whether domestic or irrigation, however, where problems of establishing payment responsibilities occur, the owner shall be ultimately responsible for payment.

(2) Individually owned units:

(i) A separate meter shall be required for each individual unit regardless of how many units are provided per building, unless a homeowner's association shall, in writing, verify continuous payment of the water

charge, but in no event shall not less than one meter per building or structure be installed.

(ii) A separate meter shall be required for the entire project for irrigation purposes, and the irrigation distribution shall be separate from the potable supply.

(iii) The owner or customer shall be responsible for payment of all water charges whether domestic or irrigation, however, where problems of establishing payment responsibilities occur, the owner shall be ultimately responsible for payment.

(c) Commercial

(1) A separate meter shall be installed for each building structure which has need for public potable-domestic water supply.

(2) A separate meter shall be required for the entire project for irrigation purposes and the irrigation distributions system shall be separate from the public-domestic or potable supply. The meter can be connected from the public potable water supply, providing a proper backflow preventor is installed as approved by the Superintendent.

(3) The owner or customer shall be responsible for payment of all water charges whether domestic or irrigation, however, where problems of establishing payment responsibilities occur, the owner shall be ultimately responsible for payment.

(d) Industrial:

(1) A separate meter shall be installed for each building structure which has need for a cosmetic water supply.

(2) A separate meter shall be required for the entire project for irrigation purposes and the irrigation distribution system shall be separate from the domestic or potable supply. The meter can be connected from the potable water supply, providing a proper backflow preventor is installed as approved by the Superintendent.

(3) The owner or customer shall be responsible for payment of all water charges whether domestic or irrigation, however, where problems of establishing payment responsibilities occur, the owner shall be ultimately responsible for payment.

(6) No electrical ground or television antenna ground shall be permitted to connect to any water service line, water main line or building water service whether on private or public property, due to the possible occurrence of electrolysis

of the pipe materials.

6. Section 3.104 shall be amended as follows:

3.104 - Discontinuation of Service. (1) The City may refuse to furnish water and may discontinue service to premises where an apparatus, appliance or other equipment using water is dangerous, unsafe or is being used in violation of laws, ordinances or legal regulations or as stated in Section 3.100(11).

(2) The City does not assume liability for inspection apparatus on the customer's property. The City does reserve the right of inspection, however, if there is reason to believe that an unsafe or illegal apparatus is in use.

(3) The City may refuse to furnish water and may discontinue service to premises where excessive demand by one customer will result in inadequate service to others, subject, however, to the provisions of subsection (6) of this section.

(4) The City shall have the right to refuse or to discontinue water service to premises in order to protect itself against fraud or abuse.

(5) The City may, at any time, discontinue service to a customer/owner on any installed meter when there is evidence that the life, health and safety of the potable-domestic water supply can be affected by allowing the service to continue. Temporary water connection service can be disconnected at any time when the customer/owner is in violation of any section of

this Code.

(6) Where wasteful or negligent water use seriously affects the general service, the City may discontinue the service if such such conditions are not corrected within five (5) days after the customer is given written notice.

(7) Should a customer desire to discontinue water service to premises for a period of not less than one (1) month, notice in writing shall be given to the Water Superintendent and payment shall be made for unpaid charges, if there be any, at the office of the Finance Director. Within twenty-four (24) hours after such notice and payment, the water shall be turned off and shall not be turned on again until completion of a reconnection application. There will be a charge of twenty-five dollars (\$25.00) for this service. No discontinuance of water charges will be made for a period of less than one month or without the notice prescribed in this section. The customer shall be responsible for the minimum use charge as established in the governing resolution for the specific size of service.

(8) When a service connection to premises has been abandoned or not used for a period of one (1) year or longer, the City may remove it. New service shall be placed only upon the owner applying and paying for a new service connection.

(9) (a) It shall be unlawful for anyone other than an employee of the Public Works Department in the normal

performance of his duty, to operate valves and appurtenances connected with the municipal system. In addition, fire hydrants shall be operated by personnel of the Fire Department in performance of their regular duties. Fire hydrants shall not be used for purposes other than fire fighting or by the City for flushing water and sewer mains unless an application for a portable or permanent meter to measure water used for private or public purposes has been approved by the Superintendent or his designee. Operation of fire hydrants by the use of any wrench other than the standard fire hydrant wrench designed for that purpose is prohibited.

(b) It shall be unlawful for any person(s) to willfully break, dig up, injure, damage or destroy any meter, pipe or water main or any building appurtenance or other facility of the City's water system; or to break, damage or remove any locking seal on a water meter; or to open or cause to be opened, any faucet, valve, or fire hydrant attached to the water mains or service pipes of the water system in any other manner than as provided by the rules and regulations now or hereinafter established by the City.

7. Section 3.105 shall be added as follows:

3.105 - General. (1)(a) When a person desires to take an

abnormally large quantity of water for filling a swimming pool, log pond or for other purposes, he shall receive permission from the Superintendent prior to taking such water. Permission to take water in unusual quantities shall be given only if the water can be safely delivered and only if other customers can still be provided with an adequate supply of water so that their uses will receive a continuous supply of water in both quantity and minimum pressure to service their connection.

(2) The owner(s) 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 owner(s), tenants or agents. Damage shall include, but not be limited to, damage from the breaking or destruction of seals by the customer on valves or meters, 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.

(3) No water source development or well development for domestic purposes shall be made within the City limits without prior approval from the Director.

8. Section 8.001 shall be added as follows:

8.001 - Declaration of Emergency. (1) When the City water supply has become, or is about to become, depleted to such an extent as to cause a serious water shortage in the City, the Mayor shall have the authority to declare an emergency water

shortage and to direct that the provisions of Sections 8.001, 8.002 and 8.030 of this article of the Code be enforced.

(2) In the event the Mayor is unavailable to declare an emergency, the following shall be the order of succession of authority, based upon availability:

- (a) The Water Commissioner;
- (b) The President of the Council;
- (c) Any other council person;
- (d) The City Administrator;
- (e) The Public Works Director.

9. Section 8.002 shall be added as follows:

8.002 - Notice of Declaration of Emergency. (1) When a declaration of emergency is announced by the Mayor, the City Administrator shall make the declaration public in a manner reasonably calculated to provide reasonable notice to the public. This provision shall not be construed as requiring personal delivery or service of notice or notice by mail.

10. Section 8.030 shall be amended as follows:

8.030 - Use of Water During Emergency - Prohibited Uses of Water. (1) When a declaration of emergency is announced and notice has been given in accordance with Sections 8.001 and 8.002, the use and withdrawal of water by any person may be limited, including prohibition of the following:

- (a) Sprinkling, watering or irrigating shrubbery, trees, lawns, grass, groundcovers, plants, vines,

gardens, vegetables, flowers or any other vegetation.

(b) Washing automobiles, trucks, trailers, trailerhouses, railroad cars, or any other type of mobile equipment.

(c) Washing sidewalks, driveways, filling station aprons, porches and other surfaces.

(d) Washing the outside of dwellings, washing the inside or outside of office buildings.

(e) Washing and cleaning any business or industrial equipment and machinery.

(f) Operating any ornamental fountain or other structure making a similar use of water.

(g) Maintaining swimming and wading pools not employing a filter and recirculating system.

(h) Permitting the escape of water through defective plumbing.

11. Section 8.032 shall be amended as follows:

8.032 - Use of Water During Emergency - Exemptions. (1) At the discretion of the Mayor, one or more of the uses specified in Section 8.030 may be exempted from the provisions of this section. The exemption shall be made public as provided in Section 8.002 of this Chapter.

12. Section 8.100 shall be amended as follows:

8.100 - Definitions. (1) The definition in subsection (g) shall be amended as follows: "Customer" shall mean any

individual, firm, company, corporation, association, society, group or owner, who receives water services from the City.

(2) The definition in subsection (h) shall be amended as follows: "Director" shall mean the Public Works Director for the City of Wilsonville.

(3) The definition in subsection (j) shall be amended as follows: "Industrial" shall mean all buildings or structures in which a product is manufactured, stored, or distributed, or any combination of the above.

(4) The definition in subsection (n) shall be amended as follows: "Official" shall be Building Official for the City of Wilsonville.

(5) The definition in subsection (o) shall be amended as follows: "Owner" shall mean the person(s) who may hold title to or lease the property for which water service has or will be provided.

(6) The definition in subsection (u) shall be amended as follows: "Service Connection" shall mean the installation which connects the water service line with the building water service, which includes but shall not be limited to, the following: meter, meter box, meter vault, check valves, fittings, seals or other materials to make such connection as deemed necessary by the Superintendent.

13. Section 3.106 shall be amended as follows:

3.106 - Water Rules and Regulations - Penalty. (1) Any person

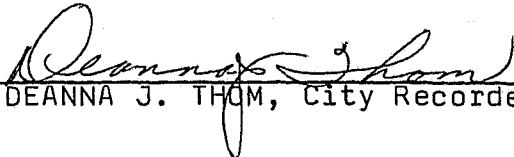
convicted of violating any provisions of these sections of the Code, except provisions relating to the payment of water bills and service connection charges, and anyone causing damage to City water hydrants, meters, water lines or other City property and using or taking, or attempting to use or take City water from a City water line or hydrant, or other source of City water supply, without an approved permit, shall be guilty upon conviction of a Class B misdemeanor and punished upon conviction by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment in the county jail for not more than six (6) months or by both such fine and imprisonment. Also, the City Attorney may institute and prosecute a civil action in the name of the City for the recovery of damages to City property and/or taking of City water without payment and/or permit, and for the City's reasonable attorney's fees as may be allowed by the trial court having jurisdiction of such matters and reasonable attorney's fees that may be allowed by the appellate court on any appeal.

14. All parts of this Code in conflict with or which are to be amended herein are hereby repealed as follows: 3.100, 3.102, 3.104, 8.030, 8.032, 3.106, and 3.112.

15, In order that there should be no suspension or interruption of the other rules and regulations of the City's Water Department, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its enactment

after final reading.

Submitted to the Council and read for the first time at a regular meeting thereof on the 16th day of January, 1984, and scheduled for a second reading at a regular meeting of the City Council on the 6th day of February, 1984, commencing at the hour of 7:30 o'clock, P.M., at the Wilsonville City Hall.


DEANNA J. THOM, City Recorder

ENACTED by the Council on the 6th day of February, 1984, by the following votes: YEAS: 5 NAYS: 0.


DEANNA J. THOM, City Recorder

DATED and signed by the Mayor this 13th day of February 1984.


WILLIAM G. LOWRIE, Mayor