

TITLE 9  
CHAPTER 2

**WATER REGULATIONS**

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**9-2-1: DEFINITIONS:** The following terms, whenever used in this Chapter, shall be construed as follows unless the context shows a different meaning:

|                            |  |
|----------------------------|--|
| APPLICANT                  | A person, firm, corporation, association or agency applying for water service.   |
| CITY                       | City of Florence, a municipal corporation of the State of Oregon.  |
| CUSTOMER                   | A person, firm, corporation, association or agency receiving water service from the City water facility.   |
| DATE OF PRESENTATION       | The date upon which a bill or notice is mailed or delivered personally to the customer.  |
| DISCONTINUED WATER SERVICE | The termination of the arrangement between the customer and the City water utility for the supply of water and to normally shut off the City valve at the meter. |

|                         |   |
|-------------------------|---|
| EMERGENCY               | Any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering or financial loss, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, spills of oil or other substances, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage and war. (Ord. 718, 6-12-84) |
| FIRE PROTECTION SERVICE | Provision of water to premises for automatic fire protection.   |
| MAINS                   | Distribution pipe lines located in streets, highways, public ways or private rights of way which are used to serve the general public.  |
| PREMISES                | The integral property or area, including improvements thereon, to which water service is or will be provided.   |
| RATE SCHEDULE           | The entire body of effective rates, rentals, charges and regulations as adopted by resolution of the City Council pursuant to Section 9-2-5-6 of this Chapter.  |
| SERVICE CONNECTION      | The pipe, valves and other facilities by means of which the water utility conducts water from its distribution mains to and through the meter, but does not include the piping from the meter to the property served.   |
| WATER SUPERINTENDENT    | The person designated by the City Manager to perform the functions described or his/her designee. (Ord #7, Series 1995)   |

**9-2-2: WATER SERVICE ESTABLISHMENT AND DISCONTINUANCE:**

**9-2-2-1: ESTABLISHING SERVICE:**

- A. Applicants requesting service in a location not previously served or a change in the size of an existing service shall submit a written application for water service accompanied by the prescribed fees and deposit as set forth in the rate schedule adopted by the Council by resolution, pursuant to Section 9-2-5-6 of this Chapter. The application shall state the following information:
1. The date of application.
  2. The location of premises to be served.
  3. The date on which applicant will be ready for service.
  4. Whether the premises have ever before been supplied by the City water utility.
  5. The purpose for which the service is to be used.
  6. The size of service.
  7. The address to which bills are to be mailed or delivered.
  8. Whether the applicant is an owner or tenant of, or agent for, the premises.
  9. An agreement to abide by all rules, regulations and ordinances of the City water utility, as now exists or as hereafter changed or amended, and that any delinquent water bills shall be and become a lien against said premises.
  10. Such other information as the City water utility may reasonably request.
- B. Applicants requesting service at a location previously served by the City water utility may make their request by either writing or by oral request to the utility office in the City Hall. All customers, after having given such notice for the commencement of water service, shall, within fifteen (15) days after

service begins, submit a properly filled out and signed application for water service to the City water utility office, with the prescribed fees and deposits as set forth in the rate schedule adopted by the Council by resolution pursuant to Section 9-2-5-6 of this Chapter, or the City water utility may discontinue water service to the customer.

- C. Since a water meter has both minimum and maximum measuring capabilities, the Public Works Superintendent may review the type, size and arrangement of meters, piping and flow- detecting devices, and if he should consider the sizes requested to be improper for the flows and use desired, he may require that the application be amended accordingly.
- D. A deposit in the amount set by the rate schedule adopted by Council resolution, pursuant to Section 9-2-5-6 of this Chapter, may be required with each application for water service, which amount shall draw interest at the rate of three percent (3%) per annum during the period such sum remains on deposit. Upon the permanent discontinuance of water service, such amount together with accrued interest shall be paid to the depositor, provided such depositor has complied with all the rules and regulations herein contained and has made payment of all of the water charges herein imposed. In case of the failure of said depositor to pay all of said charges imposed hereunder, the amount of said delinquent water charges shall be deducted from said deposit and the accrued interest; and the surplus, if any remains, shall be paid over to said depositor upon request. The City water utility, at its option, may refund a deposit at any time after a customer's credit has been established. If the applicant has good credit at the time of application, the City water utility may reserve the right to waive customer's deposit.

**9-2-2-2: TYPE, LOCATION AND ARRANGEMENT:**

- A. Location of Service Pipe and Meter: Location of the service pipe and meter shall be at the discretion of the City water utility. If a customer requests that a service pipe and meter be installed at a location other than that proposed by the City water utility, and if there is an additional expense involved, the customer must pay the regular connection fee plus the additional expense to have the service pipe and meter installed at his preferred location.
- B. Number of Services to Separate Premises: Separated premises under the single control of management will each be supplied through individual service connections unless the City water utility elects otherwise.
- C. Service to Multiple Units: Buildings with combined living or business quarters on the same premises under a single control or management may be served at the option of the City by either of the following methods.
  - 1. Through separate service connections to each or any unit, provided that the pipe line system from each service is independent of the others, and is not interconnected.
  - 2. Through a single service connection to the entire premises on which one minimum charge will be applied per unit.

The responsibility for payment of charges for all water furnished to combined units supplied through a single service connection must be assumed by the applicant.

- D. Fire Protection Service: Fire protection connections will be allowed inside of buildings under the following conditions:
  - 1. All fire lines must be installed in compliance with the Uniform Fire Code adopted in subsection 4-1-1-D of this Code and with subsection 9-2-3-5 of this Chapter.
  - 2. The City water utility shall require a service meter of approved pattern to be furnished and maintained by the owner of any service system or combination hose and sprinkler system. The connection with the City main and the setting of the meter chamber shall be made by the City water utility upon payment of the charges prescribed by the Council by resolution, pursuant to Section 9-2-5-6 of this Chapter.

3. When the owner of a building desires, or when the Building Code calls for a certain size pipe to supply water to a wet or dry sprinkler system without hose connections, such pipe or pipes may be covered by an approved proportional meter or a detector check. The owner or agent of such building shall agree in writing that water supplied through this service will not be used for any purpose except for extinguishing a fire. If at any time it is found that hose connections have been added to the system or that registration is recorded on the meter or detector check, the immediate installation of an approved meter may be required by the utility. Such water registered shall be charged for at double the regular meter rate.
4. No charge will be made for water used in the extinguishing of fires if the owner or agent reports such use to the City water utility in writing within ten (10) days of such usage.
5. Standby charges for automatic fire service shall be as prescribed by the rate schedule adopted by the Council by resolution, pursuant to Section 9-2-5-6 of this Chapter.  
  
The charges shall be based on wet or dry sprinkling systems without hose or other connections. Combined systems will pay the regular meter minimums and the regular meter rates.
6. Water for Fire Storage Tanks: Water may be obtained from a fire service for filling a tank connected with the fire service, but only if written permission is secured from the City water utility in advance and an approved means of measurement is available. The rates for general use will apply.
7. Ownership of service connection and all equipment appurtenant thereto, including the meter and check-valve, shall be the sole property of the City water utility, and no part of the cost thereof will be refunded to the applicant.
8. Pressure and Supply: The City water utility assumes no responsibility for loss or damage because of lack of water pressure and merely agrees to furnish such quantities and pressure as are available in its general distribution system. The service is subject to shut-downs and variations required by the operation of the system.

**9-2-2-3: TEMPORARY CONSTRUCTION SERVICE:**

- A. An owner or contractor who requires temporary water service for construction or for any other purpose shall be supplied with water by meter measurement and pay the customary connection fee, deposits and water user rates set forth by the rate schedule adopted by the Council by resolution, pursuant to Section 9-2-5-6 of this Chapter.
- B. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the City water utility which are involved in furnishing the temporary service from the time they are installed until they are removed, or until forty eight (48) hours' notice in writing has been given to the City water utility that the contractor or other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer.
- C. A connection to a fire hydrant for other than fire emergency is allowed only if written permission is secured from the City water utility in advance and an approved means of measurement is available.

**9-2-2-4: DISCONTINUANCE OF SERVICE:** When a change of occupancy or legal responsibility takes place on any premises served by the City water utility, or a customer wishes to have his water service discontinued, notice shall be given as set forth in Section 9-2-2-6B of this Chapter. If notice is not given, the outgoing customer or one having legal responsibility will be required to pay for water service until such notice is received by the City water utility. The closing bill will be calculated and mailed in the manner prescribed in Section 9-2-5-1.

**9-2-2-5: RE-ESTABLISHMENT OF SERVICE:** Application in the form prescribed in Section 9-2-2-1A of this Chapter shall be made to the City water utility to re-establish discontinued water service to a property. If the discontinued service pipe and meter is, in the opinion of the Public Works Superintendent, still capable of being used, a service charge may be made as set forth in the rate schedule adopted by the Council by resolution, pursuant to Section 9-2-5-6 of this Chapter; otherwise, the applicable connection fee as set forth in the resolution of rate schedule shall be payable.

**9-2-2-6: NOTICES:**

- A. Notice to Customers: Notices required to be given by the City water utility to a customer will normally be given in writing and may be either delivered or mailed to him personally or delivered or mailed to him at the address to which his service is rendered.
- B. Notice From Customers: Notice from the customer to the City water utility shall be given by him or his authorized representative by writing or orally at the City water utility office in the City Hall.

**9-2-3: CUSTOMER RESPONSIBILITY:**

**9-2-3-1: REPAIRS OF LEAKS:**

- A. Every customer shall maintain his pipes, fittings and fixtures in proper order free from leakage or wastage. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general services, the utility may discontinue the service if such conditions are not corrected within forty eight (48) hours after giving the customer written notice.
- B. Where there is a leak between the main and the meter, the City water utility shall make all repairs free of charge. When a service pipe at the proper grade is damaged or destroyed by contractors or others, the person, contractor or company responsible for such damage shall pay the utility for the cost of repairing or replacing such pipes on the basis of the cost to the City in labor and materials plus fifteen percent (15%) for overhead expenses.

**9-2-3-2: ADMISSION OF CITY EMPLOYEES:** Employees of the City shall be admitted during reasonable hours to customers' properties in order to inspect any water pipe, appliance or fixture upon such premises. Such employees shall, on request, show proper identification.

**9-2-3-3: USE OF WATER:**

- A. Except where it forms part of a manufactured product, no water shall be sold or conveyed beyond the property served without permission of the City water utility.
- B. The customer shall install a suitable valve at the time of installation or replacement of the meter, as close to the meter location as practicable, the operation of which will control the entire water supply from the service.
- C. The operation by the customer of the City water utility's valve in the meter box is not permitted.

**9-2-3-4: ABATEMENT OF NOISE, PRESSURE SURGES:** No apparatus, fitting or fixture shall be connected, allowed to remain connected, or operated in a manner which will cause noise, pressure surges or other disturbances which, in the opinion of the City Manager's designee, result in annoyance or damage to other customers' property or to the water system.

If any such condition exists, the City Manager's designee may give notice to the customer to correct the fault within forty-eight (48) hours' notice or such lesser period as may be specified in the notice and the customer shall correct the fault within the period designated. (Ord. 718, 6-12-84)

**9-2-3-5: PREVENTION OF CONTAMINATION: (Amended Ord 4, 2008)**

A. **PURPOSE:** Pursuant to Chapter 333, Division 61, of the Oregon Administrative Rules (OAR) it is the responsibility of the City of Florence to protect the public potable water supply and distribution system of the City against actual or potential contamination or pollution by isolating within the premise any contaminant or pollutant that may enter the public potable water supply due to backflow, through an undiscovered or unauthorized, actual or potential cross connection on the premise.

1. To eliminate existing or potential connections between the potable water supplied by the City and other sources of water that are not approved as safe and potable for human consumption
2. To eliminate existing or potential connections between the potable water supplied by the City and any source of contamination or pollution.
3. To prevent the making of cross connections in the future.

B **DEFINITIONS:** The following terms, whenever used in this subsection shall have the meaning indicated unless the context shows a different meaning:

**APPROVED BACKFLOW ASSEMBLY** Means backflow prevention devices of a make, model, orientation and size on the list of approved assemblies accepted by the Oregon Department of Human Services and installed in accordance to State standards.

**BACKFLOW** Means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any sources other than it's intended source, and is caused by backsiphonage, backpressure or capillary action.

**BACKFLOW PREVENTION ASSEMBLY** Means a backflow prevention assembly such as a Double Check Valve Assembly, Double Check Detector Assembly, Reduced Pressure Principle Assembly Reduced Pressure Principle Detector Assembly, Pressure Vacuum Breaker Assembly or any other device approved by the Oregon Department of Human Services and the affiliated test cocks and attached shutoff valves on the inlet and outlet ends of the assembly, assembled as a complete unit.

**BACKPRESSURE** Means an elevation of pressure downstream of the distribution system that would cause, or tend to cause, water to flow opposite of its intended direction.

**BACKSIPHONAGE** Means a drop in distribution system pressure below atmospheric pressure (partial vacuum) that would cause, or tend to cause water to flow opposite of its intended direction.

**CAPILLARY ACTION** Is the ability of a substance to draw another substance into it. It occurs when the adhesive intermolecular forces between the liquid and a substance are stronger than the cohesive intermolecular forces inside the liquid. The effect causes a concave meniscus to form where the substance is touching a vertical surface. This is the same effect that causes porous materials to soak up liquids.

A common apparatus used to demonstrate capillary action is the *capillary tube*. When the lower end of a vertical glass tube is placed in a liquid such as water, a concave meniscus forms. Surface tension pulls the liquid column up until there is a sufficient weight of liquid for gravitational forces to overcome the intermolecular forces. The weight of the liquid column is proportional to the square of the tube's diameter, but

the contact length (around the edge) between the liquid and the tube is proportional only to the diameter of the tube, so a narrow tube will draw a liquid column higher than a wide tube. For example, a glass capillary tube 0.5 mm in diameter will lift a theoretical 2.8 cm column of water. Actual observations show shorter total distances.

|                                       |  |
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| CERTIFIED TESTER                      | Means a person who has been certified by the Oregon Department of Human Services to test approved backflow prevention assemblies.  |
| CHECK VALVE                           | Means a valve, which allows flow in only one direction   |
| CITY                                  | City of Florence   |
| CONTAMINANT                           | Means any physical, chemical, biological, or radiological substance or matter in water that creates a health hazard.   |
| CONTRACT TESTER                       | means a person, who is certified by the Oregon Department of Human Services to test an approved backflow prevention assembly and who is the owner or employee of a firm, company or corporation hired by the City to perform testing of backflow prevention assemblies on one or two family residential dwellings.   |
| CROSS CONNECTION                      | Means any actual or potential unprotected connection or structural arrangement between the public or customers potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substances other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and other temporary or permanent devices through which, or because of which, backflow can occur are considered to be cross connections. |
| CROSS CONNECTION SPECIALIST           | Means a person certified by the Oregon Department of Human Services, Health Services, as a cross connection specialist, and is the person appointed by the Public Works Director to manage the City's Backflow Prevention and Cross Connection Control Program.  |
| CUSTOMER                              | Means the owner, tenant, trustee, mortgagee, receiver or occupier whether person, corporation, or firm of a premise which is connected to the public potable water system.   |
| DEGREE OF HAZARD                      | Means either pollution (non-health hazard) or contamination (health hazard) and is determined by an evaluation of hazardous conditions within a system or premise.   |
| DEPARTMENT                            | Means the Public Works Department of the City of Florence.   |
| DISTRIBUTION SYSTEM                   | Means the network of pipes and other facilities, which are used to distribute water from the source, treatment, transmission, or storage facilities to the customer.   |
| DOUBLE CHECK DETECTOR ASSEMBLY (DCDA) | Means a specially designed assembly composed of a line size approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall  |

register accurately for only very low rates of flow up to three gallons per minute and shall show a registration for all rates of flow. This assembly must be a complete device and listed in the currently approved backflow prevention assemblies list developed by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, or other laboratories using equivalent testing methods as approved by the Oregon Department of Human Services. This assembly is designed to protect against a non-health hazard.

DOUBLE CHECK VALVE ASSEMBLY(DCVA)

Means an assembly of two independently acting approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly must be a complete device and listed in the currently approved backflow prevention assemblies list developed by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, or other laboratories using equivalent testing methods as approved by the Oregon Department of Human Services. This assembly is designed to protect against a non-health hazard.

EXISTING RESIDENTIAL PROPERTIES

Defined as one or two family residential properties that have been constructed and occupied prior to the effective date of this ordinance.

HEALTH HAZARD

Means an impairment of the quality of the water that could create an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, or other non-potable substances.

IRRIGATION SYSTEM

Means any type of piping on a premise designed for the purpose of conveying water to irrigate or water grass, flowers, trees, and shrubbery of any type. Irrigation systems can be above or below ground and can be of any type i.e. pop-up, rotary, drip etc.

MOBILE UNIT

Means pesticide applicator vehicles, mobile carpet cleaning vehicles, water trucks, portable tanks and sprayers and others as determined by the cross connection specialist.

NON-HEALTH HAZARD

Means an impairment of the quality of the water to degree that does not create a hazard to the public health, but does adversely affect the aesthetic qualities of such water for public use.

POINT OF DELIVERY

Means the point of connection between a public water system and the customer's water system. Beyond the point of delivery, the Oregon Plumbing Specialty Code applies.

POLLUTANT

Means a substance that creates an impairment of the quality of the water to a degree which does not create a hazard to the public health, but which does adversely affect the aesthetic qualities of the water.

POTABLE WATER

See Safe Drinking Water.

POTENTIAL CROSS CONNECTION

Means a cross connection that would most likely occur, but may not be taking place at the time of an inspection.

PREMISE

Means real estate and the structures on it.



**PREMISE ISOLATION** Means the practice of protecting the public water supply from contamination or pollution by installing backflow prevention assemblies at, or near, the point of delivery where the water supply enters the premise. Premise isolation does not guarantee protection to persons on the premise.

**PUBLIC WATER SYSTEM** Means a system for the provision to the public of potable water for human consumption, including but not limited to, the water supply source, including all public treatment, storage, and distribution facilities under the water suppliers control, and ending at the point of delivery to the customers water system.

**REDUCED PRESSURE PRINCIPLE ASSEMBLY(RPPA)** Means an assembly containing two independently acting check valves, together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve.

The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly must be a complete device and listed in the currently approved backflow prevention assemblies list developed by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, or other laboratories using equivalent testing methods as approved by the Oregon Department of Human Services. This assembly is designed to protect against a non-health hazard or a health hazard.

**REDUCED PRESSURE DETECTOR ASSEMBLY(RPDA)** Means a specifically designed assembly composed of a line size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle assembly. The meter shall register accurately for only very low rates of flow up to three gallons per minute and shall show a registration for all rates of flow. This assembly must be a complete device and listed in the currently approved backflow prevention assemblies list developed by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, or other laboratories using equivalent testing methods as approved by the Oregon Department of Human Services. This assembly is designed to protect against a non-health hazard or a health hazard.

**SAFE DRINKING WATER** Means water which has sufficiently low concentrations of microbiological, inorganic chemical, organic chemical, radiological or physical substances so that individuals drinking such water at normal levels of consumption, will not be exposed to disease organisms or other substances which may produce harmful physiological effects and meets all state and federal regulations.

**SERVICE CONNECTION** Means the piping connection by means of which water is conveyed from a distribution main of a public water system to a customer's premise. The portion of the service connection that conveys water from the distribution main to the customer's property line, or to the service meter, where provided, is under the jurisdiction of the water supplier.

**THERMAL EXPANSION** Means the pressure increase due to a rise in water temperature that occurs in a water piping system when such systems become "closed" by the installation of a backflow prevention assembly or other means, and will not allow for expansion of water within the plumbing system.

**WATER SUPPLIER** Means a person, group of persons, municipality, district, corporation or other entity, which owns or operates a public potable water system. IE: The City of Florence.

## WATER SYSTEM

Means a system for the provision of piped water for human consumption.

### C. PREMISE ISOLATION PROGRAM

1. It is the intent and desire of the City of Florence to have installed at all service connections that are supplied with potable water by the City, an approved backflow prevention assembly.
2. All new one or two family residential premises shall have installed at the point of delivery a minimum of a Double Check Valve Assembly (DCVA).
3. All other premises shall have an approved backflow prevention assembly installed at the point of delivery, in accordance with, but not limited to, those listed in the OAR 333-061-0070, Table 32 and Table 33, and all other premises not specifically mentioned, according to the degree of hazard as determined by the Cross Connection Specialist.
4. The installation of backflow prevention assemblies under the Premise Isolation Program shall begin with industrial and commercial properties and over a period of time as specified by the City Council include existing residential properties.

D. **CONTRACT TESTING PROGRAM:** It is the intent and desire of the City of Florence that all backflow prevention assemblies installed on service connections for one or two family residential dwellings are tested annually by a contract tester. The contract for testing shall be awarded by means of a Request for Qualifications/Proposal. The term of contract awarded will be not less than one year and may at the end of one year, at the discretion of the City Manager, Public Works Director, and/or City Council be awarded for up to two additional years.

All other customers shall receive an annual Test Due Notice from the Public Works Department, cross connection specialist and shall be responsible to make arrangements for annual testing through a state certified tester of their choice. A list of local certified testers shall be provided with the annual test due notice.

### E. COSTS OF COMPLIANCE:

1. Industrial, Commercial, Multi-family and Institutional Properties
  - a) The initial costs of purchase, installation, testing, maintenance and repair of backflow prevention assemblies installed on non one or two family residential properties, also known as industrial, commercial, multi-family and institutional properties are that of the property owner, developer, builder or customer.
  - b) The costs of annual testing, maintenance and repair of backflow prevention assemblies installed on non one or two family residential properties, also known as industrial, commercial, multi-family and institutional properties is that of the property owner or customer.
2. One or Two Family Residential Properties
  - a) The initial costs of purchase, installation, testing, maintenance and repair of backflow assemblies installed on new service connections for one or two family residential dwellings are that of the property owner, developer, builder or customer.
  - b) The costs of annual testing, maintenance and repair of "Premise Isolation" backflow prevention assemblies installed on service connections for one or two family residential dwellings are that of the City of Florence and shall be conducted through the City's Contract Testing program.
  - c) The costs of annual testing, maintenance and repair of all other non premise isolation backflow prevention assemblies installed on one or two family residential dwellings are that of the property owner or customer.

F. **DISCONTINUANCE OF SERVICE:** The water service may be discontinued to any premise served by the City of Florence for, but not limited to, any of the following:

1. Failure to remove or eliminate an existing unprotected or potential cross connection.
2. Failure to install a required approved backflow prevention assembly.
3. Failure to maintain an approved backflow prevention assembly.

4. Failure to conduct the required testing of an approved backflow prevention assembly.
5. Removal of a required approved backflow prevention assembly without contacting the Department
6. Refusal to allow authorized City personnel access to a premise for the purpose of determining water usage and inspecting for cross connections.
7. Bypassing an approved backflow prevention assembly.
8. Failure to comply with the requirements of this [Code Ordinance](#).
9. In cases of extreme emergency, and an immediate threat to life or public health is found to exist.

G. RESPONSIBILITIES:

1. Water Customer:

The water customer has the responsibility to prevent contamination of the public potable water supply by eliminating cross connections on the customer's premises and to prevent the creation of cross connections on the customer's premises. The water customer's responsibility begins at the downstream end of the Point of Delivery and includes any and all piping on the premises. The water customer is responsible for the installation of and for maintaining properly operating temperature pressure relief valves or thermal expansion tanks within the premise plumbing. The water customer shall be financially responsible for all damages and investigations on premise or off the premises caused as a result of any backflow or cross connection on the customers premise.

2. Water Supplier:

The water supplier's responsibility for cross connection control shall begin at the water supply source, include all public treatment, storage, and distribution facilities under the water suppliers control, and end at the point of delivery to the customers water system. The water supplier shall also ensure that at least one person is certified as a Cross Connection Specialist and Backflow Prevention Assembly Tester.

The water supplier shall notify customers of thermal expansion concerns.

3. Plumbing Official:

The plumbing official has the responsibility for enforcement of plumbing regulations as outlined in the latest edition of the Uniform Plumbing Code or other plumbing code as adopted by the State of Oregon. The plumbing ~~officials~~[official's](#) responsibility begins at the downstream end of the point of delivery and includes all piping on the water ~~users~~[user's](#) premise. The plumbing official has the explicit responsibility of preventing cross connections from being designed and built into the structures within the plumbing ~~officials~~[official's](#) jurisdiction. Where the review of building plans suggests or detects the potential for cross connections being made as an integral part of the plumbing system, the plumbing official has the responsibility for requiring that such cross connection practices be eliminated or provided with an approved backflow prevention assembly.

The plumbing official shall not grant final approval for a premise without first receiving a passing backflow prevention assembly test report for all backflow prevention assemblies located on the premise with copies turned in to the Department.

4. Certified Tester:

A certified tester shall be responsible for performing accurate field tests, as approved by the Oregon Department of Human Services, for maintenance of backflow assemblies and making reports of such to the customer and the cross connection specialist on forms approved by the Department. Testers shall provide the Department with a copy of the latest test gauge calibration report for any test gauge being used by the tester. Test gauge calibration must be completed in an annual basis. The tester shall give, at a minimum, 24 hours notice prior to testing in order for a representative of the Department to witness tests if desired. The tester shall provide the Department with a list of materials or parts used in the maintenance of backflow prevention assemblies. The tester shall be equipped with and be capable of using all the necessary tools, gauges, and other equipment necessary to properly test and maintain backflow prevention assemblies to state regulations.

5. Cross Connection Program Manager/Specialist: The cross connection program manager shall be responsible for management, daily operation and maintenance of the City's cross connection control program and shall be responsible for supervision of and assignment of duties as necessary of other specialists

and testers on staff.

The cross connection program manager shall be responsible for implementation and enforcement of all requirements of the OAR 333-061-0070 and for enforcement of the regulations of this ~~Code Ordinance~~. The cross connection program manager shall be responsible for having all testing and maintenance of all backflow prevention assemblies on properties owned by the City.

The cross connection program manager shall give notice by letter, of annual testing requirements, to the customers or owners of premises other than those being tested by the City's contract tester.

The cross connection program manager shall oversee the contract testing program.

The cross connection program manager shall hold a current backflow assembly testers certification as well as a cross connection specialist certification.

The cross connection program manager shall report directly to the Public Works Director and/or designee.

**H. BACKFLOW PREVENTION ASSEMBLY INSTALLATION REQUIREMENTS:**

1. Assemblies shall be installed at a location adjacent to the service connection or point of delivery. Any alternate location must be with the approval of the cross connection specialist.
2. The premise owner shall ensure no connections exist between the point of delivery from the public water system and the backflow prevention assembly.
3. Assemblies shall be installed to facilitate proper operation, maintenance, inspection, and/or in-line testing.
4. Assemblies shall be installed to preclude the possibility of continuous submersion and precludes the possibility of any submersion of the relief valve on a Reduced Pressure Principle Assembly and/or RPDA.
5. The Reduced Pressure Principle Assembly shall be installed a minimum of 12" above grade.
6. Assemblies shall be installed in compliance with all applicable safety and OROSHA regulations.
7. All assembly installations shall meet the standard installation requirements of the City of Florence.

**I. BACKFLOW PREVENTION ASSEMBLY TESTING REQUIREMENTS:**

1. A State Certified tester shall perform all tests.
2. Assemblies shall be tested upon installation, when moved, repaired or replaced, and annually thereafter or time frame designated by the Cross Connection Specialist.
3. Test reports shall be prepared by the tester and provided to the Department within 10 days of the initial completed test.
4. If a customer refuses to comply with testing requirements, the City shall have the tests performed and all costs associated with the tests shall be billed to the customer.
5. The Department may require backflow prevention assemblies to be tested at any time at the customers expense, in addition to the annual test requirement as it shall deem necessary to verify test procedures and results.
6. The Department may require backflow prevention assemblies to be tested more frequently than the annual testing requirement if an assembly repeatedly fails.
7. Whenever fire services are discontinued longer than necessary to perform tests the tester shall notify the local fire official that fire services are shut off for repair.

**J. MOBILE UNITS:**

1. Any mobile unit or apparatus, which uses the water from any premises within the City's water system, shall first obtain a permit from the City and be inspected to assure an approved air gap or reduced pressure principle assembly is installed on the unit.

**K. IRRIGATION SYSTEMS:**

1. Prior to the installation of any type of irrigation system on property served by the City of Florence, plans, prints, drawings, and or diagram of the system, must be submitted to the Cross Connection Specialist and Plumbing Official. Plans shall include owners name and address, size of line being used, point

of connection to the water system, location and description of backflow prevention assembly being installed (size, make, and model).

2. If a premise isolation backflow prevention assembly is not installed at the service connection to the premise where an irrigation system is to be installed, the owner shall have installed at the owners expense an approved backflow prevention assembly at the service connection and shall provide the necessary equipment for thermal expansion.

L. ACCESS TO PREMISES: The cross connection specialist shall have access during reasonable hours to all parts of a premise and within the structures on a premise to which water is supplied for the purposes of determining water usage and conducting inspections for cross connections.

M. RETROACTIVE, CHANGE OF OWNERSHIP OR USAGE REQUIREMENTS:

1. Customers shall replace backflow prevention assemblies installed prior to the date of passage of this ~~Code Ordinance~~ that do not comply with the standards set forth in this ~~Code Ordinance~~ with assemblies that meet all requirements of this ~~Code Ordinance~~.

2. For ~~non-one-or-two-commercial, industrial, multi-family~~ and institutional properties, when there is a change of ownership or type of use change on a premise served by the public water system and there is no premise isolation backflow prevention assembly installed, the owner shall install an approved backflow prevention assembly at the service connection and have installed the appropriate thermal expansion protection.

3. An approved backflow prevention assembly shall be installed at the service connection to any premise where an irrigation system of any type is installed.

4. All ~~non-one-or-two-commercial, industrial, multi-family~~ and institutional properties served by the City of Florence public water system shall have installed at the service connection an approved backflow prevention assembly and the required assembly shall be installed at the ~~owners~~owner's expense and within a time specified by the City. In addition to this requirement accommodations for appropriate thermal expansion protection are to be provided.

N. VARIANCES: Any variance from the requirements of this code shall be requested in writing by the owner or customer of the premises affected and may be approved by the cross connection specialist upon a finding that the requested variance is consistent with the purpose of this ~~Code ordinance~~ and that the variance will provide the same protection to the public water supply as the regulation for which the variance is sought. The decision of the cross connection specialist may be appealed to the Public Works Director, whose decision shall be final.

**9-2-3-6: SPRINKLING RESTRICTIONS:** For the purpose of this Section and of regulations made hereunder, sprinkling shall be understood to include distribution of water by sprinkling or any other means on lawns, gardens or other outdoor areas.

The Council may from time to time impose restrictions on sprinkling, or change or revoke such restrictions, and in so doing may make the restrictions applicable at specified times or on specified days and may differentiate between classes of customers or areas of the City or otherwise. Sufficient notice of such restrictions shall be deemed to have been given by publication in a local newspaper or announcement of the local radio stations, or an announcement by Council at meetings. It shall be unlawful for any person to sprinkle in contravention of such restrictions.

**9-2-3-7: TAMPERING WITH FACILITIES:**

A. No person shall tamper or interfere with the City's water utility system, nor shall any person, except as authorized by the City Manager, connect to or operate any pipe, valve, meter, hydrant or other part of the City's water utility system.

B. The customer shall be liable for any damage to a meter or other equipment or property owned by the utility which is caused by an act of the customer, his tenants or agents. The City water utility shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

**9-2-4: OPERATION, MAINTENANCE, INSPECTION:**

**9-2-4-1: PRESSURE, SUPPLY AND QUALITY:**

- A. The City water utility does not guarantee pressure nor continuous supply of water, nor does it accept responsibility at any time for the pressure on its lines nor for increase or decrease in pressure. The City water utility reserves the right at any and all times, without notice, to change operating water pressures, to shut off water, or otherwise to interrupt water service for the purposes of making repairs, extensions, alterations or improvements or for any other reason, and to increase or reduce pressure at any time. Neither the City water utility, its officers, employees or agents shall incur any liability of any kind whatever by reason of the cessation in whole or in part of water pressure or water supply, or change in operation pressures, or by reason of the water containing sediments, deposits, or other foreign matter.
- B. Customers depending on a continuous and uninterrupted supply of water or having processes or equipment that require particularly clear or pure water shall provide such emergency storage, oversize piping, pumps, tanks, filters, pressure and adequate supply of water suitable to their requirements.

**9-2-4-2: FACILITIES REMOVAL, RELOCATION:** Property owners or others desiring the removal or relocation of City water utility owned facilities including service pipes, meters, valves, chambers, hydrants or other fittings and appurtenances shall bear all costs of removal or relocation. The City Council may refuse to permit the removal or relocation of facilities, if, in their opinion, fire protection or the operation or control of any portion of the City water system or other public or private facilities would be endangered.

**9-2-4-3: "AT COST" WORK PROVISIONS:** Any person having work done at cost may select one of the following alternatives:

- A. Cost: Cost will include the amount expended by the City water utility for gross wages and salaries, employees' fringe benefits, materials, equipment rentals at rates paid by the City or set by the City water utility for its own equipment, or any other expenditures incurred in doing the work, plus fifteen percent (15%) of the total of the said items expended to cover administrative expenses.

The City water utility will supply an estimate of cost and will require an advance payment prior to commencement of the work. Any additional cost shall be paid to the City water utility and any surplus shall be refunded.

- B. Fixed Price: When the owner or agent requests a fixed price for such installation, the City water utility shall determine such a price based on the estimated cost as provided in this Section. Where a price has been fixed, no refund will be made by the City water utility and no additional cost will be charged to the customer.

**9-2-4-4: REPLACEMENT OF PIPES:** The City water utility will replace, at no cost to the customer, the City's service pipe when it has deteriorated to the point of leaking or significantly losing capacity, with a new service pipe equal in size and capacity of the original installation.

**9-2-4-5: CITY PIPES, OWNERSHIP:** The service connection and meter, whether located on public or private property, is the property of the City water utility and City water utility reserves the right to repair, replace and maintain it, as well as to remove it after discontinuance of service for a period of one year or longer. A new service shall be placed only upon the owner making an application and paying for a new connection in the regular manner.

**9-2-4-6: PRIVATE PIPES, OWNERSHIP:** Every private service pipe, whether on private property or on the street, shall remain the property of the customer and he shall be responsible for its maintenance. If, in the installation, maintenance or removal of any private service pipe, it is necessary for any person to occupy or excavate in the street, or to remove or re-lay any sidewalk or other street improvement, he shall do so in a manner satisfactory to the City Manager, and shall obtain any permits required and pay the appropriate fees or charges.

**9-2-4-7: EQUIPMENT CHANGES:** When excessive flow or consumption periodically overloads the capacity

of a meter used to supply service to any premises, the City Manager's designee may so notify the customer. The customer shall thereupon supply an estimate of his flow requirement and other pertinent data required to the City Manager's designee to enable him or her to estimate the size of an adequate meter and service pipe and to estimate the cost of its installation. The installation of adequate meter and service pipes shall be at the cost of the customer.

The City Manager's designee will notify the owner to apply for a larger meter and service pipe and the customer shall apply and pay the required deposit within thirty (30) days thereafter. If the application and deposit are not made within thirty (30) days, the City may proceed with the work and charge full costs to the owner, or the City water utility may discontinue service pursuant to Section 9-2-4-8. (Ord. 718, 6-12-84)

**9-2-4-8: SERVICE DISCONTINUED OR DISCONNECTED BY CITY:**

- A. The City water utility may refuse to provide water or may discontinue service to any premises:
  - 1. Where an apparatus, fitting, fixture, container, appliance or equipment using water is dangerous, unsafe or being used in violation of ordinances or legal regulations of the City;
  - 2. Where excessive demands by one customer will result in inadequate service to others; or
  - 3. If payment of any bill for water service to the premises has not been made after notice and within the time set in sub-section 9-2-4-9 of this Chapter.
- B. The City water utility may disconnect water service to any premises:
  - 1. Which violates sub-section 9-2-3-5 of this Chapter, or
  - 2. Where water service has been turned on without authority from the City water utility.
- C. The City's cost of discontinuing or disconnecting water service including shutting off at the water main, removal of the water meter and all related work and administrative costs, shall be a lien against the premises which may be satisfied as provided in sub-section 9-2-5-3 of this Chapter. (Ord. 718, 6-12-84)

**9-2-4-9: NOTICE AND APPEAL OF DISCONTINUED SERVICE OR DISCONNECTION:**

- A. The City Manager' designee shall determine whether water service shall be discontinued or disconnected under subsection 9-2-4-8 of this Section. Notice shall be sent by mail to the customer's address as provided in subsection 9- 2-2-6 notifying the customer that water service will be discontinued or disconnected on or after the 10th day following the date notice is sent. The notice shall describe the reasons for discontinuing or disconnecting water service. The proceedings to discontinue or disconnect water service may be terminated if the reason therefore no longer exists. If the decision to discontinue or disconnect water service is not appealed as provided in paragraph B of this subsection, service may be discontinued or disconnected without further notice.
- B. Any customer has the right to appeal the determination of the City Manager's designee to discontinue to disconnect service. The notice of appeal must be filed in writing within ten days of the date notice of discontinuing or disconnecting service is sent and must be filed with the office of the City Manager in writing stating:
  - 1. The name and address of the appellant.
  - 2. The address of the affected premises.
  - 3. The nature of the determination being appealed.

4. The reason the determination is incorrect.
5. What the correct determination of the appeal should be.

An applicant who fails to file such a statement within the time permitted waives his or her objections and the appeal shall be dismissed. If notice of appeal is properly filed, except in an emergency, service shall not be discontinued or disconnected until there is a final determination of the appeal.

- C. The City Manager shall proceed to hear and determine the appeal on the basis of the written statement and such additional evidence as the City Manager deems appropriate. The appellant shall be allowed at least ten (10) days' written notice of the hearing on appeal. At the hearing the appellant may present testimony and oral argument personally or by counsel, and additional evidence. The rules of evidence as used by courts of law do not apply. The decision of the City Manager shall be in writing and shall contain findings of fact that substantiate his/her decision.

The decision shall be mailed to the appellant within 10 days of the completion of the appeal hearing. The decision of the City Manager shall be final. (Ord. 718, 6-12-84)

**9-2-4-10: DISCONTINUED OR DISCONNECTED SERVICE: EMERGENCY:** Notwithstanding the provisions of Section 9-2-4-9, when an emergency exists, the City Manager's designee may discontinue or disconnect water service without notice to the customer; provided, however, that if service is discontinued or disconnected without notice, the customer may within 10 days of the notice of discontinuing or disconnecting water service file a notice of appeal of the decision to discontinue or disconnect service. If a notice of appeal is filed, the provisions of Section 9-2-4-8-B. and C. shall apply. (Ord. 718, 6-12-84)

**9-2-4-11: EXTENSION OF MAINS:** The extension of a main to serve premises not heretofore served by the City water system shall be made at the discretion of the City Council. The benefited property shall pay the total cost of installation of water mains, including the cost of valves, fittings and fire hydrants, except that the City Council may exclude the extra cost of mains larger than a minimum size of six inches (6") by future resolution or by special assessment district. The City water utility shall have the absolute right to determine the size and all other matters in relation to main extensions. All such construction shall be done by the City or under direct supervision of the City.

**9-2-5: BILLING AND COLLECTION:**

**9-2-5-1: BILLING PRACTICES:**

- A. Meters will ordinarily be read at regular intervals for the preparation of monthly bills and as required for the preparation of opening, closing and special bills. The City water utility reserves the right to estimate meter readings in cases where actual meter readings are not available and to adjust consumption when actual readings are obtained.
- B. Bills for water service will ordinarily be rendered monthly, unless otherwise provided for in the rate schedule. The City water utility reserves the following options and rights:
1. To read meters and render bills for a lesser or longer period than one month.
  2. To render bills on an estimated consumption basis in cases where the City water utility is unable to obtain actual readings.
  3. To include with the regular service billing the amount of any valid obligation due the City water utility; or a deposit amount sufficient to bring the customer's total deposit to the full deposit limit.
- C. Billing for a fractional month will be as follows:
1. Opening and reconnecting accounts for water service that have been supplied for less than



fifteen (15) days will not have bills rendered until the next regular monthly billing date.

2. Opening and reconnecting accounts for water service that have been supplied for fifteen (15) days or more will have bills rendered on the basis of a full month.
  3. Closing of an account for water service that has been supplied for fifteen (15) days or more will have a billing on a full month's basis.
  4. Closing of an account for water service that has been supplied for less than fifteen (15) days will have the consumption added to the previous month's consumption and from the bill for such sum, the amount of the previous month's bill will be subtracted. The difference so determined will be the billing for the fractional period.
- D. All bills for water and sewer services are due and payable at the City water utility office or at an authorized collection point on or before the fifteenth day following the date of mailing the statement of said account, or the date of presentation of said account. A restoration fee shall be collected before service will be restored where the service was discontinued because of a delinquent account. The City Manager, in cases of extreme hardship, shall have the discretion of renewing service to a delinquent account upon receipt of a plan for the payment of back due amount in installments. (Ord. 718, 6-12-84; Ord 13, Series 1989).
- E. Closing bills for water service will ordinarily be prepared by the billing office at the next regular billing date. If there is an amount due, it will be due and payable as set forth in subsection D above. If there is a refund due the customer, a check will be sent with the closing bill. (Ord. 598, 2-27-78)

**9-2-5-2: OWNER RESPONSIBILITY:** The property owner of record shall be responsible for payment of all charges prescribed in this Chapter.

All delinquent water charges shall be and become a lien, under Section 9-2-5-3 hereof, against the premises on which the water was used and the owner of any such premises shall be responsible for the payment thereof. It shall be the duty of the City to serve a written notice upon the owner of any premises upon the failure of any tenant occupying the same to pay the water charges, when due and payable within sixty (60) days after such delinquency.

If the owner fails to pay the delinquent water charges within fifteen (15) days after receipt of said notice, the amount of this charge shall be a lien against the property.

**9-2-5-3: LIENS:** Water service charges shall be a lien against the premises served from and after the date of billing and entry on the ledger or other records of the City pertaining to its water system and such ledger records or other records shall remain accessible for inspection by anyone interested in ascertaining the amount of such charges against the property. Whenever a bill for water service remains unpaid sixty (60) days after it has been rendered, the lien thereby created may be foreclosed in the manner provided for by ORS 223.610, or in any other manner provided by law or City ordinance.

The City shall have the right to refuse water service to a new tenant or new owner until the lien has been paid. It is hereby declared that the City retains the right to hold the property owner of record responsible for the delinquent account, whether or not a lien is attached. (Ord. 598-A, 4-9-79)

**9-2-5-4: METER ERROR:**

- A. Meter Test: Prior to installation, each meter will be tested and no meter found to register more than two percent (2%) fast or slow under conditions of normal operation will be placed in service. On customer request:
1. A customer may, giving not less than one week's notice, request the utility to test the meter serving his premises. (Ord. 598, 2-27-78)
  2. The utility may require the customer to deposit an amount set by resolution to cover the

reasonable cost of test. (Ord. 598, 2-27-78; amd. 1981 Code)

3. This deposit will be returned if the meter is found to register more than two percent (2%) fast. The customer will be notified not less than five (5) days in advance of the time and place of the test.
4. A customer or his representative shall have the right to be present when the test is made.
5. A written report, giving the results of the test, shall be available to the customer within ten (10) days after completion of the test.

B. Adjustment of Bills for Meter Error:

1. **Fast Meters:** When, upon test, a meter is found to be registering more than two percent (2%) fast, under conditions of normal operation, the City water utility will refund to the customer the full amount of the overcharge based on corrected meter readings for a period not exceeding three (3) months, that the meter was in use.
2. **Slow Meters:**
  - a. When, upon test, a meter used for domestic or residential service is found to be registering more than twenty five percent (25%) slow, the City water utility may bill the customer for the amount of the undercharge based upon corrected meter readings for a period not exceeding one month that the meter was in use.
  - b. When, upon test, a meter used for other than domestic or residential service is found to be registering more than five percent (5%) slow, the utility may bill the customer for the amount of undercharge upon correct meter readings for a period not exceeding one month that the meter was in use.
3. **Non registering Meters:** The City water utility may bill the customer for water consumed while the meter was not registering. The bill will be at the minimum monthly rate or will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions.
4. **Overbilling Due to Meter Reading Error:** The bill shall be adjusted at the next billing date when the error is discovered. The bill for the prior month will be at the minimum rate or will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period. The amount overpaid by the customer shall be returned to him by check.
5. **Adjustment on Account of Underground Leaks:** Where a leak exists underground between the meter and the building and the same is repaired within ten (10) days after the owner, agent or occupant of the premises has been notified of such leakage, the utility may allow an adjustment of fifty percent (50%) of the estimated excess consumption, as checked by the City personnel.

**9-2-5-5: BILLING OF SEPARATE METERS:** Each meter on the customer's premises will be considered separately and the readings of two (2) or more meters will not be combined unless specifically provided for in the rate schedule, or unless the City water utility's operating convenience requires the use of more than one meter, or of a battery of meters.

**9-2-5-6: WATER USER CHARGES:** Water user charges shall be fixed by the City Council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the City Council.

**9-2-5-7: WATER FUNDS, USE:** There is hereby reaffirmed that there is a fund already established that is known as the "Water Fund", into which all charges collected shall be deposited and kept as a fund to be used only for the establishment, operation and maintenance within or without the City limits for water treatment facilities, wells, reservoirs, lakes, transmission and distribution mains, pumping stations and appurtenances necessary, useful or convenient for a complete water system, including maintenance and extension of the present water system. (Ord. 598, 2-27-78)

**-9-2-5-8: WATER CURTAILMENT PROCEDURES:**

**A. Findings And Declaration Of A Water Emergency:** Upon finding that the municipal water supply is incapable of providing an adequate water supply for normal usage due to a drought, system failure or any other event, the City Manager may declare a water emergency and require that water usage must be curtailed. The City Manager may include an estimated time for review or revocation of the emergency.

Once the water emergency has been declared, limitation on the use of water as to hours, purpose, or manner may be prescribed from time to time by order of the City Manager, based on a finding that the limitation is reasonable given the available and projected water supply and demand.

**B. Termination of Water Curtailment:** The City Manager is authorized to terminate water curtailment stages upon determination that a water shortage emergency condition no longer exists.

**C. Water Curtailment Stages:** Depending upon the severity of the potential water shortage, the City Manager may implement the following water curtailment stages.

1. Stage 1: – Water Shortage Alert – Initiating Conditions:
  - a. General recognition of drought conditions in Lane County; or
  - b. Demand reaches 80 percent of water supply capacity as determined by the City Manager for a period of 3 or more consecutive days; or
  - c. Water supply approaches the minimum required for the fire protection or other essential needs as determined by the City Manager.
2. Stage 2: Serious Water Shortage – Initiating Conditions:
  - a. Governor has declared a drought in Lane County and the continuation of hot, dry weather is predicted, or if the City's water demand is 81 to 90 percent of water supply capacity for 3 or more consecutive days as a result of a natural or human-caused event.
3. State 3: Sever Water Shortage – Initiating Conditions:
  - a. Water demand is more than 90 percent of water supply capacity for 3 or more consecutive days for any reason, whether natural or human-caused.
4. Critical Water Shortage – Initiating Conditions:
  - a. Failure of a system component or non-drought emergency conditions results in an immediate shortage of water. Examples include: failure of main transmission lines, failure of the intake or WTP chemical spills, or a malevolent attack on the system that introduces a contaminant at some point in the system.

**D. Water Curtailment Actions:** The City Manager is authorized to take the following applicable action specific to each water shortage stage:

1. Stage 1: Water Shortage Alert:
  - a. The City will issue a written notice asking for voluntary water reduction by all users.
  - b. Landscape watering will be between 6 p.m. and 10 a.m.
  - c. Landscapes will be watered on odd – even days depending on odd-even address
  - d. Exceptions:
    1. New lawn grass or turf that has been seeded or sodded 90 days prior to declaration of a water shortage may be watered as necessary until established.

2. High-use athletic fields that are used for organized play.

2. Stage 2: Serious Water Shortage

1. Outdoor water reduction measures will be compulsory.
2. Water landscapes only between 6 p.m. and 10 a.m.
3. Water landscapes only when allowed by the odd/even schedule.
4. No water use for washing motorbikes, motor vehicles, boat trailers, or other vehicles except at a commercial washing facility that practices wash water recycling. (Exceptions include vehicles that must be cleaned to maintain public health and welfare, such as food carriers and solid waste transfer vehicles.)
5. No water use to wash sidewalks, walkways, driveways, parking lots, tennis courts, and other hard-surfaced areas.
6. No water use to wash building structures, except as needed for painting or construction.
7. No water use for a fountain or pond for aesthetic or scenic purposes, except where necessary to support fish life.
8. Discourage serving water to customers in restaurants unless water is requested by the customer. This action does not provide significant water saving, but is useful for generating awareness of the need to curtail use.
9. No water use for dust control unless absolutely necessary, as determined by the City Manager.

3. Stage 3: Severe Water Shortage

- a. Perform actions indicated for Stage 2.
- b. Replace the restriction of odd/even watering from Stage 2 with a prohibition on all outdoor water (exceptions include new lawn, grass, or turf planted after March 1<sup>st</sup> of the calendar year in which restrictions are being imposed; sod farms; high-use athletic fields; or park and recreation areas specifically designated by the City Council.)
- c. No water use to fill, refill, or add to any indoor or outdoor swimming pools or hot tubs, except if one of the following conditions is met; the pool is used for a neighborhood fire control supply, the pool has a recycling water system, the pool has an evaporative cover; or the pool's use is required by a medical doctor's prescription.
- d. No water use from hydrants for construction purposes (except on a case-by-case basis approved by the City Manager), fire drills, or any purpose other than fire fighting.
- e. Implement limitations on commercial uses of water, depending on the severity of the shortage.
- f. Issue public service announcements to notify customers of the severity of the conditions.

4. Stage 4: Critical Water Shortage

- a. Stages 2 and 3 will be in place.
- b. City Manager/Staff, if the water is unsafe to drink, will notify the community using the local radio, print media, the City's website, and any other appropriate means.
- c. City will contact the Oregon Drinking Water Program, Department of Human Services, and request its assistance in responding to the problem.
- d. City will notify the local news media, if appropriate, to ask for their assistance in notifying customers.
- e. City will call an emergency Council Meeting.
- f. City will establish water hours which establishes periods of time during the day when water would be made available.
- g. City will contact the Oregon State Police and County Sheriff to obtain help in contacting customers.
- h. City will determine whether to use water system interties with other water providers, such as HWD.
- i. City to continue to investigate the contamination and develop specific backup plans; including plans that may include renting a water hauling truck and purchasing water from neighboring communities, sending customers to pre-designated water distribution locations, or supplying bottled water.

**E. Enforcement.**

1. Warning: The City shall send a letter of warning for each violation of a curtailment restriction if no previous letter of warning has been sent to the person responsible for the violation. The letter of warning shall specify the violation, may require compliance measures and shall be served upon the person responsible for the violation. Service may be in person, by office or substitute service or by certified or registered mail, return receipt requested.
2. Civil Infraction. After the person responsible for the violation has received a warning letter, any subsequent violation shall be treated as a civil infraction.

**F. Penalties.**

1. First Violation – Warning letter.
2. Second Violation of the same type – shall be subject to the general penalty set forth in FCC 1-4-1.
3. Third and subsequent violations of the same type – shall be subject to the general penalty set forth in FCC 1-4-1, and termination of services.

**G. Water Shut-Off.**

After the third violation of a curtailment restriction, the Public Works Director may order that the water service to the location where the violation has occurred shall be shut-off or reduced. A shut-off notice shall be posted on the property at least 48 hours prior to the scheduled shut-off or reduction. The shut-off notice shall specify the reasons for the shut-off or reduction. Any person wishing to avoid a shut-off must provide the Public Works Director with evidence that the shut-off will create a health or safety risk. All shut-offs imposed under this section shall be temporary, not to exceed thirty (30) days, provided the applicable charges are paid prior to reconnection. The reconnection charge and, if applicable, the meter disconnection charge imposed and shall be paid before the reconnection.

**9-2-5-9: CONSTITUTIONALITY AND SAVING CLAUSE:** That if any provision, section, sentence, clause or phrase of this [CodeOrdinance](#) or the application of same to any person or set of circumstances are for any reason held to be unconstitutional, void, invalid, or for any reason unenforceable, the validity of the remaining portions of this [CodeOrdinance](#) or its application to other persons or circumstances shall not be affected thereby, it being the intent if the City Council of the City of Florence in adopting and approving this [CodeOrdinance](#) that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

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Amended by Ordinance 7, Series 1995  
Amended by Ordinance 4, Series 2008 (9-2-3-5)  
Section 9-2-5-8 added and 9-2-5-9 amended by Ord. No. 9, Series 2010 (effective 5-19-10)