



ORDINANCE 2009-007

AN ORDINANCE REPEALING ORDINANCE NO. 514 AS AMENDED BY ORDINANCES 64-535, 67-551, 72-617, 75-657, 78-691, 80-721, 82-768, 83-794, 84-803, 85-821, 87-862, 87-861, 89-902, 91-923, 92-945, 93-969, 96-1006, 98-1058, 99-1071, 95-998, 2000-1087, 2001-1115 AND ADDING A NEW CHAPTER – 13.10 (WATER SERVICE REGULATIONS) TO THE SHERWOOD MUNICIPAL CODE; AMENDING CHAPTER 13.05 (“CROSS-CONNECTION AND BACKFLOW PROGRAM”); AMENDING 13.20 (“WATER USE RESTRICTIONS”).

WHEREAS, the City’s current rules and regulations for use of its water system are outdated and in need of revision;

WHEREAS, City staff and the City Attorney have reviewed the terms of the city’s rules and regulations relating to water use and have modified them to address the exigencies of the City’s current needs and put them into a form suitable for codification.

WHEREAS, certain non-substantive modifications and grammatical changes were thought desirable to two other Chapters in Title 13 of the Municipal Code – 13.05 and 13.20.

NOW, THEREFORE, BASED ON THE FOREGOING, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1.

Ordinance No. 514 as the same was amended by Ordinances 64-535, 67-551, 72-617, 75-657, 78-691, 80-721, 82-768, 83-794, 84-803, 85-821, 87-862, 87-861, 89-902, 9-923, 92-945, 93-969, 96-1006, 98-1058, 99-1071, 95-998, 2000-1087, 2001-1115 is hereby repealed and a new Chapter – 13.10 – is added to the Sherwood Municipal Code to read as set out in Exhibit “A” attached hereto.

Section. 2

Chapter 13.05 – “Cross-Connection and Backflow Program” – is hereby amended to read as set out in Exhibit “B” attached hereto.

Section 3.

Chapter 13.20 – “Water Use Restrictions” – is hereby amended to read as set out in Exhibit “C” attached hereto.

Section 4.

Effective Date – In order that the terms of this Ordinance be effective July 1, 2009 an emergency is hereby declared and this Ordinance shall be effective July 1, 2009 upon passage by the City Council and approval by the Mayor.

Duly passed by the City Council this 16th day of June 2009.


Keith S. Mays, Mayor

ATTEST:


Sylvia Murphy, City Recorder

| | <u>AYE</u> | <u>NAY</u> |
|------------|---------------|------------|
| Folsom | <u>absent</u> | _____ |
| Clark | <u>✓</u> | _____ |
| Weislogel | <u>✓</u> | _____ |
| Henderson | <u>✓</u> | _____ |
| Grant | <u>✓</u> | _____ |
| Heironimus | <u>✓</u> | _____ |
| Mays | <u>✓</u> | _____ |

EXHIBIT "A"

CHAPTER 13.10 WATER SERVICE REGULATIONS

- 13.10.005. DEFINITIONS.
- 13.10.010. USE OF WATER.
- 13.10.015. APPLICATION FOR SERVICE.
- 13.10.020. ACCESS TO PREMISES.
- 13.10.025. METER READING AND BILLING
- 13.10.030. PAYMENTS FOR SERVICES
- 13.10.035. ADJUSTMENTS.
- 13.10.040. TERMINATION OF WATER SERVICE
- 13.10.045. MAINTENANCE, REPAIR AND TESTING METERS.
- 13.10.050. INTERRUPTION IN SERVICE.
- 13.10.055. CUSTOMERS SERVICE LINES AND MAINTENANCE.
- 13.10.060. CONNECTIONS.
- 13.10.065. FIRE PROTECTION SERVICE CONNECTIONS.
- 13.10.070. TEMPORARY SERVICE.
- 13.10.075. MAIN EXTENSIONS.
- 13.10.080. FIRE HYDRANTS/BULK WATER.
- 13.10.085. CROSS-CONNECTIONS.
- 13.10.090. RESPONSIBILITY FOR DAMAGE OR INJURIES.
- 13.10.095. VIOLATION; CIVIL PENALTY; OTHER RELIEF.
- 13.10.100. PROHIBITED ACTS.
- 13.10.105. AUTHORITY OF CITY MANAGER

13.10.005. DEFINITIONS.

Unless the context requires otherwise, when used in this Chapter the following terms and phrases shall mean as set forth below:

- A. Applicant. A person, or other legal entity (or agent thereof) applying for water service.
- B. Base Charge. The charge for water service that is in addition to the consumption charge.
- C. City. The City of Sherwood
- D. City System. Consists of the source facilities and distribution system including all facilities of the water system under the control of the City including meters and service connections.
- E. Council. The Sherwood City Council .
- F. Customer. A person or other legal entity receiving water service from the City System.
- G. Customer line. The pipe, valves and facilities leading from the outlet of the meter into the premises or property being served.
- H. Consumption charge. The charge placed on every hundred gallons (or fraction thereof) of water delivered.

- I. Cross-connection. Any actual or potential unprotected connection or structural arrangement between the City's or customer's potable water system and any other source or system through which it is possible to introduce into any part of the city system any used or non-potable water, industrial fluid, gas, or substance(s) 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.
- J. Fee Schedule. Rates, charges, and regulations set forth and amended in the City of Sherwood Master Fees and Charges Schedule as the same is adopted annually by the Council.
- K. Mains. Distribution pipelines located in public or private rights-of-way used to supply potable water.
- L. Premises. Includes real property and the improvements located thereon.
- M. Private Waterline. A waterline located on private property owned by the property owner. Ownership begins at the outlet end of the service connection.
- N. Public Works Director or Director. The person designated by the City Manager to the functions described or his/her designee.
- O. Service connection. The pipe, valves and other facilities used to supply potable water from the main through the meter not including private piping beyond the meter.
- P. Temporary Service. Service not intended to be permanent (such as construction sites) with expected duration(s) of six (6) months or less.

13.10.010. USE OF WATER.

- A. The City will furnish water for domestic, household, commercial, industrial and community uses as well as for fire protection purposes as the system may reasonably supply.
- B. The City may enter into contract(s) to allow for sale use and/or trade of water to other public or private water providers provided any such contracts be first approved by the City Council.
- C. In the event the Public Works Director determines conditions exist requiring restrictions or prohibitions on the use of water, the Director may establish, after conferring with the City Manager, a schedule of use restrictions and prohibitions consistent with the requirements of SMC Chapter 13.20.
- D. Customers will be responsible for all water lost beyond the service connection.

13.10.015. APPLICATION FOR SERVICE.

- A. Application. The Director shall require written application for water service on forms provided by the City.
- B. Deposit. The Director may require an applicant provide a deposit for the receipt of water service at the time of application/re-application for said service. No interest shall be earned by any deposit and the amount thereof will be calculated so as to ensure that all City costs associated with the provision of water to the applicant by the City will be covered.

- C. Refund of Deposits. Deposits will be refunded to a customer in the event all amounts due the City from that customer for any city charge (water service related or otherwise) have been fully paid.
- D. New Account Fees. There will be separate charge imposed and collected for the creation and activation of any new account.
By applying for City water service, an applicant//customer agrees to be bound by all rules, regulations and municipal code provisions concerning provision of water service to their property or premises.
- E. The City may refuse service to a premises or property where the owner or occupant thereof has previously failed to pay duly imposed charges for city water or other services until such time as the City is provided adequate financial security (in a form approved by the City's Finance Director) by the owner or occupant that said delinquencies will be paid.

13.10.020. ACCESS TO PREMISES.

By requesting and receiving water service from the City, every user grants the City, its authorized agents and employees the right and ability at all reasonable times to enter onto the customer's premises to determine compliance with the city's rules and regulations concerning delivery and receipt of water service.

13.10.025. METER READING AND BILLING

- A. Meter Readings. Meters shall be read at regular intervals determined by the City.
- B. Access. The customer will ensure safe and efficient access to the meter and shutoff valve at all times.
 - 1. Whenever it is necessary to enter a building to read or work on a meter, a safe passageway, free and clear of obstruction, must be maintained by the occupant of the premises from the building/property entrance to the meter.
 - 2. By connecting to the City System, the customer consents to the right of the City's authorized employees and agents to remove any obstruction(s) as necessary to maintain access to the meter.
 - 3. Customers are required to maintain a minimum of a two foot (2') area surrounding the meter box free of vegetation or other obstruction. Clear access to the meter shall be from the street side in a direct path to the water meter. Failure to maintain the area will result in City personnel clearing the area to meet the City's meter reading and maintenance needs. The customer will be charged any related expenses incurred by the City in clearing the area. The City will have no liability for trimming or maintaining vegetation in order for reading of meters and maintenance needs.
- C. Estimated Meter Read. If it is determined by the City that a meter fails to register accurately or the City determines that it is unable to read a meter, the current billing may be calculated in accordance with written policies developed by the Director. Failure to read the water meter does not relieve a customer from its obligation to pay for actual or estimated water use.
- D. Customer Re-Read. A customer may request their meter be re-read if there is a reasonable basis to conclude their bill is in error.

- E. Prorated Charges. Accounts will have the base and consumption charges prorated through the day that service is terminated (for closing accounts) or on the day that service started (for new accounts).

13.10.030. PAYMENTS FOR SERVICES

- A. Place of Payment. All payments shall be made to the City at the place designated on the most recent utility bill.
- B. Bill Payment. Bills for use of water services and property of the City shall be due, payable, and delinquent in accordance with the Fee Schedule.
- C. Delinquent Accounts. The City may turn off water supply to the premises or property being served for which payment is delinquent after the owner(s) and/or occupant(s) (if different) is given the chance to challenge the validity of delinquency and/or the amount thereof before the City Manager consistent with the process set out in Section 13.10.040(D).
In the event service is terminated, it will be restored after terms of payment are arranged satisfactory to the City.
- D. Billings of Separate Meters Not Combined. Each meter on a customer's premises will be considered separate and the readings of two or more meters will not be combined.

13.10.035. ADJUSTMENTS.

- A. The City may make appropriate adjustments, back-bill, apply credits or waive fees and charges one time per year per meter.
 - 1. Overcharge Adjustment. When the City determines a customer has been over-charged for services, the City will apply a credit to the account based on the date the error first occurred or the date the customer became responsible for the bill or a period not to exceed one year whichever is less.
 - 2. Undercharge Adjustment. When the City determines a customer has been under-charged for services, the City will bill the customer based on the date the error first occurred, the date the customer became responsible for the account or a period not to exceed one year, whichever is less. If the date cannot be easily determined, the City will estimate the bill for a period not to exceed one year. Customers receiving a billing adjustment will be offered the chance to make arrangements for payment.
- B. Adjustment for water loss. If it is determined water loss occurred on the customer's side of the meter and the cause for said loss has been repaired, the City Manager may adjust up to 50 percent of excess water use. The billing or billings to the user shall be adjusted in an amount based upon the water rates in effect for the loss period multiplied by the adjustment allowance. The amount, if any, shall be credited to the user's account after repairs have been completed. During the loss period, the peaking charges for consumption are excused. Request for adjustments will only be received from the Customer when submitted on a City approved form. Request shall be made within 90 days of the date of the first billing indicating the excess use. Adjustments are not available when the excess use is apparently due to a failure to repair any water leak.
- C. Non-registering Meters. The customer will be charged for water consumed while the meter is not registering. The bill will be based on an estimate of consumption

using either the premises' prior use during the same season of the prior year or a comparison with the use of other similarly situated customers receiving the same class of service during a similar period and under similar circumstances and conditions.

13.10.040. TERMINATION OF WATER SERVICE

A. Customer Request.

1. Customers may have service discontinued by notifying the City during normal business hours and providing at least 48 hours notice of the desired weekday date of discontinuance. Customers requesting discontinuance will be required to pay all charges through the date of said discontinuance.
2. If notice described in subsection (1) above is not given the City, the customer will be required to pay for all charges through the date the City determined the Premises has been vacated or the service otherwise discontinued.

B. City-Initiated Termination. Water service may be terminated under any or all of the following circumstances:

1. if the utility bill is not timely paid.
2. if a deposit required is not fully paid within 72 hours of the customer's application for service..
3. if a customer fails to comply with any City system rule or regulation.
4. If the City is notified of a leak on the customer side from someone other than the owner and the leak could or is causing damage to either the property or other properties.
5. Failure to allow access to the premises for determining compliance with City rules and regulations concerning water service.
6. If service to the premises is turned on without first obtaining City approval therefor.
7. If an owner and/or (if different) occupant's account has become delinquent and/or the occupant vacates the premises without payment and any deposit held by the City for the property or premises does not cover the delinquency.
8. Failure to comply with the Cross-Connection Backflow Program set out in SMC 13.05.

C. Notice of the City's intent to terminate service will be sufficient if given by either :

1. First Class Mail sent to the customer's address as shown in the City records. Notice shall be deemed delivered upon deposit.
2. Hand delivery of a notice to the service premises. This notice shall be deemed complete when delivered.

D. Right to Challenge Service Termination.

1. Except in those cases where the Public Works Director or their designate determines a situation posing a threat to the City's system or the public health, safety and welfare exists such that pre-termination notice cannot be given without jeopardizing the same, a customer and/or occupant (if different) shall be given written notice by the City of their right(s) to challenge the proposed termination not less than fifteen (15) days prior to the date scheduled thereto. If the owner and/or occupant elect to challenge the proposed termination, the challenge shall be in writing and set out in brief the base(s) therefor and sent or delivered to the Place of Payment not later than

five (5) days prior to the proposed termination date. No termination of service shall occur during the pendency of any challenge.

2. The City Manager will conduct an informal hearing on the matter and after consideration of the material presented by the owner and/or occupant as well as material from the City, the City Manager will decide whether to authorize the termination, adjust the termination or deny it. The City Manager's decision will be final.

E. Liability. The City is not liable nor responsible for any consequential or other damage(s) to person(s) or property resulting from its decision or the decision(s) of its employees or agents to terminate water service to any person(s), property(ies) or premises that is done consistent with or pursuant to this Chapter.

13.10.045. MAINTENANCE, REPAIR AND TESTING METERS.

A. Customer Request. A customer may request the City test the water meter serving that customer's property or premises by making application for such testing to the Director .

1. If the test shows that the water meter registers outside the American Water Works Association (AWWA) Standards, the meter shall be repaired or replaced at no cost to the customer.
2. If the test shows that the water meter registers within the AWWA Standards, the customer may be required to pay for the test.
3. A written report of the results of the test shall be made available to the customer.

B. City-Initiated Test. The City may temporarily interrupt service in order to test existing meters or make necessary repairs.

13.10.050. INTERRUPTION IN SERVICE.

The City shall not be liable for any actual or consequential damage(s) resulting from interruption(s) in service, shortages or insufficiency of supply. Temporary shutdowns of the system (or portions thereof) may be required for improvement(s) and repairs. Whenever reasonably possible and if time permits, City personnel shall notify any affected customers prior to the interruption of service .

13.10.055. CUSTOMERS SERVICE LINES AND MAINTENANCE.

A. The customer is responsible for payment of costs associated with the installation of any service line(s) from the City's water meter to the customer's premises or property to be served.

B. The customer line(s) shall be installed consistent with the Oregon State Plumbing Specialty Code or other plumbing and/or specialty code(s) applicable to the particular installation.

C. No pump equipment shall be connected to a user service line without prior written approval from the Public Works Director.

D. The customer shall be responsible for maintenance and repair of the customer's service line.

E. All leakage in the customer service line after the water meter shall be the sole responsibility and expense of the customer.

F. Leaks in the customer service line shall be repaired within fifteen (15) days of detection.

13.10.060. CONNECTIONS.

- A. It is unlawful for any person, firm, or corporation to make any connection to the mains or any other portion of the City System without first obtaining a connection permit.
- B. If the application for a connection permit is approved by the Director, a permit will be issued. All service connection fees and charges shall be paid at the time the permit is issued consistent with the Fee Schedule.
- C. Upon issuance of the permit, the City shall make (or have made) the necessary service connections to the City System.
- D. Meter connection shall be sized using the fixture count method as described in the Oregon State Plumbing Specialty Code with a minimum size for any water meter being five-eighths/three-fourths inch.
- E. A separate service connection is required for:
 - 1. each property under separate ownership;
 - 2. for each single family dwelling;
 - 3. apartment; and /or
 - 4. places of business.

All outlying buildings and premises used in conjunction with said property, dwelling place of business or other institution may be served from said connection, as well as all buildings on said premises operating under one management.

- F. In the case of a commercial or industrial property with multiple users on a single tax lot, additional service connections may be provided upon approval by the Director; duplex units on a single tax lot may also qualify for multiple meters.
- G. The City may permit master metering of more than one water service. The owner shall designate the person who to be responsible for payment of all water charges and acceptance of service for all water-related notices. If any payment is not made in full when due, the City may terminate service even if partial payment is tendered by other occupants of the premises.
- H. Connections shall be located at such points as the City shall determine appropriate.
- I. Unless required by the City, removal or relocation of a service connection shall be at the expense of the customer. The customer shall bear responsibility for reconnection of the customer line.
- J. All service connections shall be made consistent with City specifications relating to size, materials and methods of installation
- K. No customer shall extend a service line to furnish water to any residence, business or premises on the same or neighboring tax lot(s) than that those occupied by the customer without prior City approval.

13.10.065. FIRE PROTECTION SERVICE CONNECTIONS.

- A. Standby fire protection service connection from a fire service line shall be installed in accordance with applicable regulations and only if adequate provisions are made to prevent the use of water from such service for purposes other than fire extinguishing or testing of fire protection system.
- B. As determined by the City, the customer shall pay the cost of installing the fire protection service connection, including (but not limited to) required backflow

prevention assemblies, special water meters or other devices installed solely for service to a fire service connection.

- C. No consumption charge will be made for water used in extinguishing fires.
- D. Standby charges for automatic fire service will be established in the Fee Schedule .
- E. Users requesting fire protection service connections shall pay the cost of mains needed to supply the required flow.
- F. If water is used from a standby connection service in violation of this code, an estimate of the amount used will be computed by the City. The user shall pay for the water used based on the estimated quantity thereof, including a minimum charge based on the size of the service connection. In the event a second unauthorized use occurs, a customer will be required to pay a system development charge will be assessed to the service at the then current rate.

13.10.070. TEMPORARY SERVICE.

- A. The City may grant temporary water service during construction and for special events approved by the City.
- B. Installation Charge and Deposits. The applicant must make a request for temporary service and pay associated fees established in the City's Fee Schedule.
- C. The customer shall use all possible care to prevent any damage to the meter, including damage which arises from freezing temperatures or to any other City-loaned equipment. Duration shall include from the time the equipment is installed until the time the equipment is physically returned to City control. If the meter or other equipment is damaged, the cost of making repairs and all associated charges shall be borne by the contractor or applicant.
- D. Time limit. Temporary connections shall be disconnected and terminated within six months after installation unless the applicant request in writing an extension of time.

13.10.075. MAIN EXTENSIONS.

- A. In general, all water line extensions shall extend the entire distance between opposite boundaries of the property to be served and shall be located within public right-of-way unless the City determines it necessary to construct water lines on public easements across private property. The City may elect to have installed a larger main than needed for the applicant's service requirements. When it does, the City will bear the additional cost of all piping, fittings, valves and other materials and equipment used.
- B. The City may construct system improvements upon the request of, and at the expense of, the property owner or user. The costs and scheduling shall be determined by the City.
- C. Construction of system improvements shall be by the City or a contractor approved by the Public Works Director. Property owners using private funds for construction of water improvements shall select an engineer or contractor for the design of water system improvements that meet the City's requirements. The property owner or customer will be required to make advance payment for the estimated costs of plan review, administrative expenses, and other applicable fees related to the proposed project.

- D. All water main extensions shall be constructed only by the City or by a waterworks contractor approved by the Public Works Director and in accordance with the latest Public Works Design Standards adopted by the City.
- E. The City shall approve all construction plans. The pipe, fittings, valves, hydrants and other materials for the construction of said extensions shall be of the size and quality, and located as the City specifies. No main extension shall be laid until the estimated costs have been deposited in an account and in a form approved by the City's Finance Director. Installations made by a waterworks contractor will be inspected and approved by the City to ensure compliance with plans and specifications. Back-filling of trenches prior to City approval is prohibited. Fire hydrants will be installed at locations designated by the City.
- F. After acceptance by the City, the system improvements shall be the sole property of the City and maintained and operated by City personnel. If the system improvements are installed by a private owner, the property owner and their contractor shall be responsible for a warranty period of not less than two (2) years after the City's formal written acceptance for failure of either materials or workmanship in the improvements.

13.10.080. FIRE HYDRANTS/BULK WATER.

A. Fire Hydrant

- 1. Unauthorized use of a Fire Hydrant. No person or persons other than those authorized by the Public Works Director, shall open any fire hydrant or attempt to draw water from it in any manner. Violation will result in consumption and penalty fees. Any future request will be denied until all applicable fees have been paid.
- 2. Damage of Fire Hydrants. No person or persons shall damage or tamper with any fire hydrant.
- 3. Authorized use. In order to obtain water from a fire hydrant, the customer must contact the City and apply for a "Bulk Water" permit. The City will determine the hydrant(s) for the customer to utilize.

B. Bulk Water

- 1. At the time the customer signs up for temporary water from a fire hydrant, the customer must supply the City with an estimate of the amount of water to be used, address and name of the persons responsible for the bill, and the time and date the water will be taken from the fire hydrant. A bill will be generated from metered readings after the service is used.
- 2. Charges for water furnished through a temporary service connection shall be established by Council resolution.
- 3. Customer's requesting flow testing of fire hydrants shall pay the fee established by Council.
- 4. Fire hydrants placed on private property are to be used only for fire emergencies or other uses authorized by the City.
- 5. The City will designate hydrant paint colors of public hydrants. No change in hydrant color is allowed unless specifically authorized by the City.
- 6. Eighteen (18) inches shall be maintained between the ground and the center of the lowest hydrant discharge port. No change in grade (ground elevation) is allowed without approval of the City.

7. A 3-foot clear space shall be maintained around the circumference of hydrants. Access from the street to the hydrant shall be kept clear. Customer shall be responsible for pruning or removing landscaping or other obstructions that restrict access to the fire hydrant. Upon notice from the City, the owner or customer shall remove such obstruction or correct non-compliance within 14 days. If the obstruction or non-compliance is not timely corrected the City may at any time thereafter take such steps to correct the problem and bill the customer.

13.10.085. CROSS-CONNECTIONS.

No water service connection to any premises shall be installed or maintained by the City unless the water supply is protected as required by SMC Chapter 13.05. If such violation becomes known, the City shall deny or immediately discontinue service to the premises by providing for physical disconnection of the service lines until the Customer has corrected the condition(s).

13.10.090. RESPONSIBILITY FOR DAMAGE OR INJURIES.

- A. The customer shall be liable for any damage or injury resulting from the customer's failure to properly construct, maintain, repair, or correct conditions in the customer's line.
- B. The customer shall be liable for any damage to the City System caused by an act of the customer, tenants, agents, employees, contractors, licensees, or permittees. Damage to the City System shall include but is not limited to breaking seals and locks, tampering with meters or meter boxes, including but not limited to damage by heat, hot water or steam, cross-connections, traffic hazards, and damaged curb stops, meter stops, and other service appurtenances. The customer responsibility for damage or tampering may also be fined and/or have service terminated.
- C. No modification or alterations to the meter assembly shall be made. The customer shall be responsible for any damage to meters or meter boxes due to the unlawful modification or alternation of the district's installation.

13.10.095. VIOLATION – CIVIL PENALTY; OTHER RELIEF.

Any person violating any of the provisions of this Chapter shall be subject to a civil penalty of \$1000.00 for each violation. Every day a violation exists shall be considered a separate violation. . In addition to the foregoing civil penalties, the City may seek in a court of competent jurisdiction such other and additional relief (including all legal and equitable relief and remedies) as well as recovery if its attorneys fees.

13.10.100. PROHIBITED ACTS.

It is unlawful for any person, firm, or corporation not authorized by the City to do, commit or assist in committing any of the following things or acts in the City:

- A. To open or close any fire hydrant, service connection or lift/ remove the cover of any gate valve or shutoff;
- B. To interfere with, destroy, deface, impair, injure, force open any gate, door, or any property appertaining to the water works system;

- C. To resort to any fraudulent device or arrangement for the purpose of procuring water for Customer or others from private connections on premises contrary to the City regulations or ordinances;
- D. To interfere with or injure any reservoir, tank, fountain, hydrant, pipe, valve, or other apparatus pertaining to the water works system, or to turn on or off the water in any street, hydrant or other public water fixture;
- E. To make or permit to be made any connection with the main or service pipes of the water works system, or to turn on or use the water of said system without first obtaining a permit;
- F. To cover or conceal from view any water valve box, service, or meter box;
- G. To remove any water meter that has been placed by the City, or to change, interfere with or tamper with any meter;
- H. No structures shall be constructed over or within 10 feet of mains or service lines;
- I. Unless authorized by the Utility, no person shall operate any portion of the City Water System or operate a system within the City using City water providing water service to users or consumers.

13.10.105. AUTHORITY OF CITY MANAGER.

Unless otherwise stated herein, the City Manager or designate shall have the exclusive authority to make any discretionary determination allowed by this Chapter, including determinations as to approvals, determinations, authorizations, judgments, requirements, options, and impacts upon the water system and/or customers thereof.

EXHIBIT “B”

Chapter 13.05 CROSS-CONNECTION AND BACKFLOW PROGRAM

13.05.010 Definitions.

13.05.020 Prohibitions and Conditions.

13.05.030 Backflow Prevention Assemblies Required.

13.05.040 Testing.

13.05.050 Violation/remedies.

13.05.010 Definitions.

As used this Chapter, the following terms shall, unless the context requires otherwise, mean as follows:

- A. City. City of Sherwood
- B. City System. The source facilities and distribution system (including all facilities of the water system under the control of the City) up to the point where the user’s system begins.
- C. Distribution System. The City-owned network of conduits and water mains used for delivery of potable water from the source facilities to the user’s system.
- D. Premises. Includes real property and all improvements located thereon.
- E. Premises Isolation. The practice of protecting the potable water supply from contamination or pollution by installing backflow prevention assemblies at or near the point of delivery of potable water to a Premises.
- F. Source Facilities. Includes all City components used in the production, treatment, storage and delivery of potable water to the distribution system.
- G. User. Includes the terms “owner,” “customer” and “consumer.”
- H. User’s System. Those parts of a user’s private facilities beyond the distribution system utilized to convey potable water to points of use on the user’s Premises. Domestic and irrigation systems start immediately behind the water meter; fire line systems start with the valve immediately off the main water system line.
- I. Water System. Includes both the City System and the User’s System.

13.05.020 Prohibitions and Conditions.

- A. No water service connection to any Premises shall be installed, made or maintained by the City unless approved by the City and protected consistent with OAR 333-61-0070 and the terms of this Chapter.
- B. Water service shall be terminated to a User’s Premises if:
 - 1. a backflow prevention assembly is not installed, tested and maintained; or
 - 2. if it is found that a backflow prevention assembly has been removed, bypassed; or
 - 3. if an unprotected cross-connection exists on the premisesService will not be restored until such conditions or defects are corrected.
- C. A User’s facilities shall be open for inspection at all reasonable times to City inspectors to allow for a determination of compliance with the provisions of this Chapter.

13.05.030 Backflow Prevention Assemblies Required.

- A. An approved backflow prevention assembly shall be installed on each service line of to a user's system at or near the property line or immediately inside the structure being served.
- B. Whenever any of the following conditions exist, an approved backflow prevention assembly shall be installed before the first branch line leading off the service line :
 - 1. There is an auxiliary water supply which is (or can be) connected to the potable water piping.
 - 2. There is piping for conveying liquids other than potable water where that piping is under pressure and installed in proximity to potable water piping.
 - 3. There is intricate plumbing making it impractical to ascertain whether or not a cross-connection exists.
 - 4. There is a pipeline one and one-half inches or larger internal diameter supplying City water to the premises.
 - 5. The premises is a commercial, multi-family, industrial or institutional use
 - 6. There is a structure more than thirty (30') feet in height (measured between the highest peak of the structure and the elevation of the service at the public water main to those premises) and the pipeline supplying water to the structure is one and one-half inches or less in internal diameter.
 - 7. There is a risk of back siphoning or back pressure.
 - 8. There is a cross-connection or potential cross-connection.
 - 9. There is an irrigation/sprinkler system.
- C. The owner of a mobile apparatus to which the city supplies water shall provide for backflow prevention by installing a backflow prevention device assembly or provide an approved air gap separation on the mobile apparatus.
- D. When there is a standby fire line/sprinkler system using piping material not approved for potable water use and/or which does not provide for periodic flow through the line during each twenty-four (24) hour period, a double check detector assembly ("DCDA") will be the minimum protection required. In addition:
 - 1. Any system with provisions for adding foamite or other toxic fire retardants whether directly connected or not will require a reduced pressure principle detector assembly ("RPDA") at the property line;
 - 2. Any system connected to or with provision for connection to an unapproved auxiliary water supply will require a RPDA at the property line;
 - 3. Any system that utilizing toxic antifreeze will require a RPDA on the antifreeze loop or a RPDA at the property line;
 - 4. Any system that utilizes a Federal Food and Drug Administration (FDA) accepted antifreeze will require a RPDA on the antifreeze loop;
 - 5. Any system with private fire hydrants will require DCDA at the property line.
- E. The type of backflow prevention required under this subsection shall be at least commensurate with the degree of hazard which exists:

1. An approved air gap of at least twice the inside diameter, but not less than one inch, of the incoming supply line measured vertically above the top rim of the vessel, or an approved reduced pressure backflow device (“RPBD”) assembly shall be installed when the substance which could backflow is hazardous to health, such as but not limited to, sewage treatment plants, sewage pumping stations, chemical manufacturing plants, plating plants, hospitals, mortuaries, car washes, and medical clinics;
 2. An approved double check valve assembly (“DCVA”) shall be installed when the substance which could backflow is objectionable but does not pose an unreasonable risk to health;
 3. An approved pressure vacuum breaker or an atmospheric vacuum breaker shall be installed when the substance which could backflow is objectionable but does not pose an unreasonable risk to health and where there is no possibility of backpressure in downstream piping. A shutoff valve may be installed on the line downstream of a pressure vacuum breaker but shall not be installed downstream of an atmospheric vacuum breaker.
- F. All backflow prevention device assemblies required under this section shall be of a type and model approved by the Oregon Department of Human Services (DHS) and installed consistent with the terms of Oregon Administrative Rule 333-61-0071 and City backflow standards found in this Chapter.
- G. All water meters which are for irrigation purposes only shall be installed with an approved backflow prevention assembly by the user at the user’s expense. These meters shall be locked upon installation. The locks shall not be removed until the approved backflow assembly has been installed properly and the City inspector has inspected and approved the installation.
- H. All water meters/services requiring Premises Isolation shall be locked upon installation. After the backflow assembly is installed, the owner or user will schedule the initial test with the City.
- I. Backflow prevention device assemblies installed before the effective date of the ordinance codified in this chapter shall be permitted to remain in service if:
1. They were approved at the time of installation but are not on the current list of approved devices;
 2. They are properly maintained;
 3. They are commensurate with the degree of hazard; and
 4. They are tested annually and perform satisfactorily.
- J. When devices of this type are moved, or require more than minimum maintenance or are on services which have been modified, changed or remodeled, they shall be replaced by device assemblies which are on the DHS approved list.

13.05.040 Testing.

- A. The user or owner of the premises where one or more backflow prevention device is installed shall cause a test of the device(s) be performed by an Oregon State Health Division certified tester:
 - 1. At the time of installation prior to the institution of water service after one of the circumstances described in 13.05.030(B) occurs;
 - 2. if the device is moved or repaired, then immediately thereafter; or, at a minimum
 - 3. Annually.
- B. Unless otherwise provided, the owner of a mobile apparatus on which a backflow prevention device assembly or air gap separation is required shall cause a test of the assembly or an inspection of the air gap separation to be performed within the year before use in the City and not less than annually thereafter.
- C. The City may require more frequent testing of backflow prevention assembly devices if the assembly is installed at a facility that poses an extreme health risk or if the device fails repeatedly.
- D. All completed backflow test reports must be forwarded to the City within ten (10) working days from the date of the test. If the test results indicate that the device is working properly the results shall be entered in City records as such. If the test results indicate that the device is not working properly, the device must be repaired immediately and re-tested and the test results then forwarded to the City within ten (10) working days.
- E. If, for some reason, a device fails a test and repair thereof is not immediately possible, the City shall be notified immediately of said failure, the location of the failed device and estimated time of repairs which repairs cannot take longer than five (5) working days.
- F. If the City has not received the results of a test required to be performed, it may opt to perform or order a test and add the cost thereof to the user's water bill, or, in the alternative, terminate water service to the premises consistent with the terms of SMC 13.10.040.
- G. If the user or owner of a backflow device fails to make repairs on a failed back-flow device within ten days of a test showing the device is not operating properly, the City may order the repair and retest and add the cost of the repair and retest to the user's/owner's water bill, or in the alternative, the City may terminate water service to the premises consistent with the terms of SMC 13.10.040.

13.05.050 Violation/remedies.

Violation of any provision(s) of this Chapter is subject to a civil penalty in an amount listed in the City's Fee Schedule. In addition to imposition of civil any penalty(ies), the City may seek injunctive or other equitable relief in a court of competent jurisdiction to abate the violation and seek other relief afforded it under federal or state law or other provisions of this Code.

EXHIBIT “C”

**Chapter 13.20
WATER USE RESTRICTIONS**

Article I. Ongoing Water Conservation Program

13.20.010 Purpose.

13.20.020 Established.

Article II. Water Restrictions

13.20.030 Purpose.

13.20.040 Landscape restrictions.

Article III. Emergency Water Restrictions

13.20.050 Purpose.

13.20.060 Posting of Announcement/Contents/Review.

13.20.070 Restrictions.

13.20.080 Termination of Restrictions.

13.20.090 Record of Emergency Declaration.

13.20.100 Major Irrigators.

13.20.110 Other Users.

13.20.120 Penalties.

Article I. Ongoing Water Conservation Program

13.20.010 Purpose.

This article is designed to restrict nonessential water use and thereby protect the City’s water resources without creating undue hardship for water users.

13.20.020 Established.

A. The City hereby establishes a water conservation program to include the following ongoing provisions:

1. Landscape sprinkling for each landscaped area (e.g. sprinkler zone) shall be limited to twenty (20) minutes per day.
2. No landscape watering shall be allowed between ten a.m. and five p.m.

Notwithstanding the foregoing, all watering with a hose held by hand and constantly monitored is exempt from the above restriction.

B. Exemptions may be granted by the Public Works Director.

Article II. Water Restrictions

13.20.030 Purpose.

This article is designed to restrict water use and thereby promote adequate water supply for fire flow and other essential requirements. This article includes the requirements of Article I of this Chapter.

13.20.040 Landscape restrictions.

- A. The City Manager shall, after consultation with the Public Works Director, issue restrictions on landscape sprinkling such that it occurs on an alternate day bases (e.g. even-numbered addresses may water on even-numbered days and odd-numbered addresses on odd-numbered days) under the following conditions:
 - 1. The Public Works Director shall inform the City Manager when water consumption exceeds production and available water storage approaches the minimum the City requires to meet fire protection and other essential requirements.
 - 2. Upon notification, the City Manager shall impose the landscape water restrictions effective immediately upon posting notices in three conspicuous places in the City.
- B. The restrictions shall stay in effect until such time as the City Manager finds that the conditions giving rise to the restrictions no longer exist or may be modified or ended based on the results of consultation with the Public Works Director.
- C. Restrictions imposed shall be reviewed by the Council at its next regular meeting.
- D. Water for construction and water for the purpose of dust control may be limited or restricted entirely depending upon the availability of water at such time as water restrictions are imposed.

Article III. Emergency Water Restrictions

13.20.050 Purpose.

This article is to restrict water use to essential services during times of critical water shortages due to severe drought, reduction in pumping capability or other emergency situations wherein there may be an insufficient water supply. This article includes the requirements of Articles I and II of this chapter.

13.20.060 Posting of Announcement/Contents/Review.

The City Manager shall have the authority to declare a critical water supply emergency. The declaration shall be made by posting notice in three conspicuous public places in the City. Such announcement shall set out the nature of the situation giving rise to the emergency, describe the action(s) to be taken by the City Manager (including the time the declaration becomes effective) and shall specify the particular activity(ies) for which the use of water will be prohibited or restricted. The declaration shall be reviewed by the city council at its next meeting.

13.20.070 Restrictions.

When a declaration of emergency is announced and notice given, the use and withdrawal of city-provided water by any person may be limited, including prohibiting or otherwise restricting any or all of the following:

- A. Sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation;
- B. Washing automobiles, trucks, trailers, trailer houses, motorbikes, boats, or any other type of mobile equipment;
- C. Washing sidewalks, driveways, parking lots, tennis courts, filling station aprons, porches and other hard surface area;

- D. Washing the outside of dwellings, washing the outside of office buildings;
- E. Washing and cleaning business or industrial equipment and machinery;
- F. Operating any ornamental fountain, scenic or recreational ponds and lakes or other structures making a similar use of water, except for the minimum necessary to support fish life;
- G. Use of water to fill, refill or add to any swimming and wading pools or jacuzzi not employing a filter and re-circulating system, and evaporation covers, or where the use of the pool is required by a doctor;
- H. Permitting the escape of water through defective plumbing;
- I. Use of water for construction projects;
- J. Water to serve customers in a restaurant unless requested; or
- K. Such other prohibitions on use, or restrictions on use practices, conservation measures, or as may be imposed or requested by a supplier of water to the city, pursuant to supply agreement or contract, as a condition to supplying water to the city.

13.20.080 Termination of Restrictions.

Whenever the City Manager determines the condition(s) giving rise to the water prohibition no longer exist, he/she may declare the prohibition terminated in whole or in part or modified to meet the then exigent circumstances.

13.20.090 Record of emergency declaration.

The City Manager shall make or cause to be made a record of each time and date when an emergency declaration is announced to the public including any notice of termination or modification.

13.20.100 Major irrigators.

In the event an emergency Major irrigators being provided city water and who have city water meters at least two inches in diameter shall be prohibited from irrigating once an emergency under 13.20.070 is declared. The City shall provide each major irrigator with notice of the declaration. Failure to comply with the terms of the declaration may result with the immediate suspension of water service by the City to the major irrigator.

13.20.110 Other Users.

- A. With respect to violations committed by customers other than major irrigators the customer will receive one (1) letter of warning prior to receipt of a notice of violation. Only in the event the customer fails to adhere to the terms of the letter of warning will they be subject to the penalties set out in 13.20.120.
- B. Transmittal of both the letter of warning and the notice of violation to the customer is to be accomplished by any method or combination of methods which under the circumstances is most reasonably calculated to apprise the customer of the violation(s) including (but not limited to) personal delivery, substitute service, first-class mail or posting.
 - 1. The letter of warning shall be in writing, specify the violation(s) and set out which compliance measures the customer is to employ.
 - 2. A notice of violation shall be in writing, specify the violation(s), the required compliance measure(s) and may include a civil penalty

13.20.120 Penalties.

In addition to any liability, duty or other civil or criminal penalty provided by law, the City Manager may impose a civil penalty for violation(s) of this Chapter. Imposition of the civil penalty shall occur only after a customer has received and failed to adhere to the terms of a letter of warning under SMC 13.20.110:

- A. In the event the City Manager believes it appropriate to impose a civil penalty for violation(s) of this Chapter, a notice of assessment shall be transmitted consistent with SMC 13.20.110 and the penalty shall be due and payable upon receipt of the notice. The penalty may be added to the amount of the water bill and shall be subject to the terms of 13.10.040(B). Any payment received from a customer on a bill containing both a civil penalty and other water charges shall be deemed apply to the amount of the civil penalty first and then to the other water charges.
- B. Appeal of Assessment of Penalty. Upon receipt of a notice of assessment, a customer may appeal the assessment to the city manager. The appeal is required to be in writing and with sufficient proof to argue the assessment. The written appeal must be received in the City of Sherwood City offices within ten (10) business days of the date of the notice of assessment.