

**ORDINANCE 627
CITY OF DAYTON, OREGON**

An Ordinance Amending Chapter 8 – Utilities, of the Dayton Municipal Code to Make Specific Changes to Section 8.0 General to Remove Owner as Surety for Fees Language, Adjust the Process for Terminating Utility Services, Remove Request for Hearing Language, and to make other miscellaneous adjustments throughout Chapter 8.

WHEREAS, the City Council desires to amend Chapter 8 – Utilities of the Dayton Municipal Code to make changes to section 8.0 General to remove Owner as Surety for Fees language, adjust the Process for Terminating Utility Services, remove Request for Hearing language, and to make other miscellaneous adjustments as attached in Exhibit 1; and

WHEREAS, the City Council considered the amendments to Chapter 8 in a public meeting on April 20, 2015; and

WHEREAS, on June 1, 2015, the City Council considered the information provided by staff and deliberated on the proposed action.

The City of Dayton ordains as follows:

Section 1. The City Council hereby adopts Ordinance 626; and

Section 2. The City Council adopts the amendments to Chapter 8 of the Dayton Municipal Code attached as Exhibit 1 and incorporated by reference herein.

PASSED AND ADOPTED by the City Council of the City of Dayton on this 6th day of July, 2015.

Mode of Enactment:

Date of first reading: June 1, 2015 by title only

Date of second reading: July 6, 2015 by title only

 X No Council member present at the meeting requested that the ordinance be read in full.

 A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

Final Vote:

In Favor: Collins, Marquez, Price, Taylor, Wytoski

**ORDINANCE 627
CITY OF DAYTON, OREGON**

Opposed: None

Absent: Bixler, Frank

Abstained: None



Mayor

7/20/15

Date of Signing

ATTESTED BY:



Peggy Selberg,
City Recorder

7/6/2015

Date of Enactment

Exhibit 1

Municipal Code of Dayton, Oregon CHAPTER 8 - UTILITIES

8.0 GENERAL

8.0.1 Definitions:

- (1) **“Backflow”** means the undesirable reversal of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources.
- (2) **“Backflow Prevention Device (Approved)”** means a device that has been investigated and approved by the regulatory agency having jurisdiction. The approval of backflow prevention devices by the regulatory agency should be made on the basis of a favorable laboratory and field evaluation report by an “approved testing laboratory,” recommending such approval.
- (3) **“Backflow Prevention Devices (Type)”** means any approved device used to prevent backflow into a potable water system. The type of device used should be based on the degree of hazard either existing or potential.
- (4) **“BOD (Biochemical Oxygen Demand)”** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.
- (5) **“Building Drain”** means that part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewers, beginning five (5) feet (1.5 meters) outside the inner face of the building walls.
- (6) **“Building Sewer”** means the extension from the building drain to the public sewer or other place of disposal.
- (7) **“City”** means the City of Dayton, Oregon.
- (8) **“~~City Administrator~~City Manager”** means the city ~~manager~~administrator for the City of Dayton, or authorized agent or designee.
- (9) **“Combined Sewer”** means a sewer receiving both surface runoff and sewage.
- (10) **“Contamination”** means the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.
- (11) **“Cross Connection”** means any unprotected actual or potential connection or structural arrangement between a public or a consumer’s potable water system

and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied.

- (12) **“Customer”** means any person, firm, corporation or other entity which is served by the City water system.
- (13) **“Fire Protection Service”** means the provision of water to premises for automatic fire protection.
- (14) **“Garbage”** means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- (15) **“Hazard, Degree of”** is derived from the evaluation of a health, system, plumbing or pollutional hazard.
- (16) **“Hazard, Health”** means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer’s potable water system that would be a danger to health.
- (17) **“Hazard, Plumbing”** means an internal or plumbing type cross connection in a consumer’s potable water system that may be either a pollutional or a contamination type hazard. This includes, but is not limited to, cross connections to toilets, sinks, lavatories, wash tray, domestic washing machines and lawn sprinkling systems. Plumbing type cross connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.
- (18) **“Hazard, Pollutional”** means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer’s potable water system, but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.
- (19) **“Hazard, System”** means an actual or potential threat of severe danger to the physical properties of the public or consumer’s potable water system or a pollution or contamination which would have a protected effect on the quality of the potable water in the system.
- (20) **“Health Division Officer”** means the Oregon State Health Division Officer, or authorized agent.
- (21) **“Industrial Waste”** means:
 - (a) The liquid wastes from any non-governmental user of publicly owned treatment works identified in the “Standard Industrial Classification

Manual,” 1972, Office of Management and Budget, as amended and supplemented under the following divisions:

- 1) Division A - Agriculture, Forestry and Fishing
- 2) Division B – Mining
- 3) Division D – Manufacturing
- 4) Division E - Transportation, Communications, Electric, Gas, and Sanitary Services
- 5) Division I – Services

(b) A user in the divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

- (22) **“Late Charge Fee”** means a fee charged to the unpaid balance on each monthly statement.
- (23) **“Main”** means the distribution pipe lines that are part of the City water system.
- (24) **“Mg/l”** means milligrams per liter.
- (25) **“Natural Outlet”** means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
- (26) **“Owner”** means the owner or owners of record title or the purchaser or purchasers under a recorded sales agreement, and other persons having an interest of record in the described real property.
- (27) **“pH”** means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (28) **“Potable Water Supply”** means any system of water supply intended or used for human consumption or other domestic use.
- (29) **“Premises”** means the property or area, including improvements thereon, to which water service is or will be provided.
- (30) **“Properly Shredded Garbage”** means the organic wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch or 1.27 centimeters in any dimension.
- (31) **“Public Sewer”** means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
- (32) **“Returned Check Fee”** means a fee assessed each time a check is returned to the City by the bank as non-negotiable.

- (33) **“Sanitary Sewer”** means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
- (34) **“Service connection”** means the pipe, valves and other equipment used to provide water from the City to and through the meter, but not including private piping and other equipment between the meter and the premises served.
- (35) **“Sewage”** means a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface water, and storm water as may be present.
- (36) **“Sewage Treatment Plant”** means any arrangement of devices and structures used for treating sewage.
- (37) **“Sewage Works”** means all facilities for collecting, pumping, treating and disposing of sewage.
- (38) **“Sewer”** means any pipe or conduit for carrying sewage.
- (39) **“Slug”** means any discharge of water, sewage or industrial waste which in concentration or any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.
- (40) **“Storm Drain or Storm Sewer”** means a sewer which carries storm water and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- (41) **“Superintendent”** means the Superintendent of Public Works for the City of Dayton, or his/her authorized agent or designee.
- (42) **“Suspended Solids”** means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by filtering.
- (43) **“Utility”** means water or sewer services owned and operated by the City.
- (44) **“Watercourse”** means a channel in which a flow of water occurs, either continuously or intermittently.
- (45) **“Water Conservation Management Plan”** means any plan adopted by the City for the purpose of managing and conserving its water supply.
- (46) **“Water Master Plan”** means any master plan adopted by the City providing for the development of the water supply and distribution system.

8.0.2 Administration of Code. The ~~City Administrator~~City Manager shall have the authority to develop operating policies to administer this code. The City Council shall periodically review these policies at their discretion.

8.0.3 Denial of Service. The ~~City Administrator~~City Manager may deny utility service for the following reasons:

- (1) Information on the application is incomplete or false;
- (2) Applicant has an unpaid balance from former water and sewer service at same or different location;
- (3) A lien for unpaid user fees is currently recorded against the property.
- (4) It has been determined that there is a direct or indirect connection to a private water supply at that service address.
- (5) When it has been determined that a residence or structure to receive water service has defective or leaking faucets, water closets, or other fixtures, or where there are water closets or urinals without self-closing valves, or tanks without self-acting float valves.

8.0.4 Deposits. The City may require a deposit prior to providing, or to continue to provide, utility service to any customer.

- (1) Any new customer for each water and/or sewer service connection shall pay a utility deposit.
- (2) The amount of the utility deposit shall be established by resolution of the City Council.
- (3) The City may also require a utility deposit from an existing customer when:
 - (a) Water and/or sewer service to a property has been terminated because of nonpayment;
 - (b) A customer requests service continuation after a bankruptcy; and
 - (c) A customer or any person residing at the service address violates any of the provisions of this Chapter.
- (4) It shall be a Class B Violation for any person to submit false information on an application for utility service with the intention of circumventing the collection of user fees to defray the costs of operating the City utility systems.

~~**8.0.5 Owner as Surety for Fees.**~~

- ~~(1) In lieu of a utility deposit, the City may accept a signed agreement with the property owner (whether the customer or not) stating that they will be ultimately liable for any and all charges for utility services provided to the premises, and that the City may use a lien as one method for securing payment if the charges are not paid.~~
- ~~(2) If the property owner elects to authorize the use of a lien on real property to secure payment of charges in lieu of a security deposit, all utility charges shall be a lien against the premises served from and after the date of billing.~~

- ~~(3) The entry of charges on the City's ledgers or other records pertaining to its lien shall be made accessible for inspection by anyone interested in ascertaining the amount of such charges against the property.~~
- ~~(4) Whenever a bill for utility services remains unpaid, the lien hereby created may be foreclosed in the manner provided for by ORS 223.610, or in any other manner provided by law or City ordinance.~~
- ~~(5) A property owner may not cancel utility service while the property is occupied by a tenant.~~

8.0.6 Rate Schedule. All rates, fees, costs, connection charges, utility deposits and other expense for utility services or related services may be established and thereafter adjusted from time to time by resolution of the City Council.

8.0.7 Termination of Utility Service. The ~~City Administrator~~City Manager may terminate utility service under the following conditions:

- (1) Where an apparatus, appliance or other equipment using water is dangerous, unsafe, or is in violation of the laws, chapters or legal regulations.
- (2) Where excessive demand by one customer will result in inadequate service to others.
- (3) Where use seriously affects the general service, if such conditions are not corrected within five (5) days after customer is given written notice.
- (4) Where a customer or other person uses water from a fire protection facility for purposes other than to extinguish a fire.
- (5) If charges associated with the provision of any utility service are not paid in accordance with the provisions of this Chapter.
- (6) Where a physical connection or provisions for a physical connection, direct or indirect, exists between the City water supply and a private water supply.
- (7) A violation of the nonresident water service agreement or a determination by the City Council that surplus water is no longer available for outside city service.
- (8) When a customer has made a repayment agreement with the ~~City Administrator~~City Manager and fails to abide by the terms of that agreement.
- (9) When a customer tampers with a meter, diverts service or there is reasonable cause to believe that theft of services is occurring.
- (10) When a customer fails to correct a returned check.
- (11) Where a customer is in violation of any of the provisions of this Chapter.

8.0.8 Process for Terminating Utility Services.

- (1) Prior to terminating utility service, the City shall provide written notice to the customer, ~~with a copy of said notice to the owner if different than the customer,~~ that utility service to the property is subject to being discontinued unless the delinquent amounts are paid in full immediately. Written notice shall be provided in a manner prescribed by the City according to the following:
 - (a) Written notice shall provide that utility service to the premises is subject to be terminated, the reason for potential termination of services, and terms by which said customer can avoid termination of services~~that the customer and/or owner has a right to request a hearing to contest the termination of such service, and information on how to request a hearing;~~
 - (b) Notice shall be deemed sufficient if mailed to the address listed on the application for utility services ~~and to the owner of the property~~ as listed in the City's records and shall be deemed complete on the date of deposit in the US Mail, ~~First Class, Postage Prepaid,~~ or upon personal delivery.
 - ~~(c) In the event payment is not received by the City within seven (7) days of the date of the written notice, the City shall post a notice at each dwelling unit informing the customer that utility service will be disconnected within twenty four (24) hours if payment is not received.~~
 - ~~(2) In the event that a billing is going to an owner and not to a tenant, a duplicate of the required notices shall be delivered to the tenants at the service address. Notice shall be marked "Duplicate Original Sent to Property Owner."~~
 - (23) If full payment, or arrangements satisfactory to the City, ~~or a request for a hearing as provided for in Section 8.0.9 is~~ are not timely made, the City may, without further notice or process, terminate utility service to the affected premises.
 - ~~(4) When a customer or owner requests such a hearing, utility service will not be disconnected until the hearing is held and a final decision on whether the proposed termination of service is illegal or improper is made by the City Administrator.~~
 - (35) Sewer services cannot be disconnected and charges shall continue to accrue at the current rate provided that a residence receiving both services, or only sewer services, is still occupied after termination of services. All charges, less any deposit, shall immediately become a lien upon the property.

~~8.0.9 Request for Hearing.~~

- ~~(1) If the responsible customer or owner believes that the termination of utility services was illegal or improper, or has a dispute about the charges due, he or she may request an informal conference with the City Administrator or his/her designee. A customer or owner wishing to request a hearing shall file a request with the City in writing which shall include the following:~~

- ~~_____ (a) The name, mailing address and telephone number(s) of the person making the request;~~
- ~~_____ (b) The address of the premises subject to the termination of utility service; and~~
- ~~_____ (c) A concise statement why the City's proposed termination of water service is illegal or improper.~~

~~_____ (2) Such request for hearing must be received at City Hall at least three (3) days prior to the scheduled shut-off date.~~

~~_____ (3) In the event a request for a hearing is timely received, the City shall schedule a hearing before the City Administrator or his/her designee within three (3) business days subject to the following:~~

~~_____ (a) The customer and/or owner shall have the burden to show that termination of utility service is illegal or improper or that the charges are incorrect;~~

~~_____ (b) In the event that the customer and/or owner shows that termination of utility service is illegal or improper, termination of such service shall not occur until such time as the City is able to cure the impropriety and notice is provided of the cure to the customer and/or owner; and~~

~~_____ (c) In the event the customer and/or owner is unable to show the termination of utility service is illegal or improper, such service to the property is subject to immediate termination.~~

8.1 SEWER REGULATIONS

8.1.1 Use of Public Sewers Required.

- (1) All premises within the city limits on which there is located any building, structure, mobile home, motor home, vacation trailer, or any other facility containing sinks, water closets, bathtubs, showers, or any device for receiving sewage and/or waste water shall be connected to the city sanitary sewer system. Connection to the sanitary sewer shall not be required of any motor home, vacation trailer, or camper which is parked on the premises for storage only.
- (2) No cesspools, septic tanks, sub-surface disposal field, leaching bed, or wet wall shall be installed or utilized for the purpose of disposal of sewage or waste water from any premises within the city limits.
- (3) No surface water, including drainage from roof drains, area or driveway drains, swimming pools, catch basins or storm sewers, springs, or any other source other than normal plumbing devices, shall be connected to or allowed to enter any sanitary sewer.
 - (a) Basement drains may be connected to sanitary sewers provided there is no excess water in such basement and such drain shall receive only that water which may seep into a concrete lined basement or such water as may be used for cleaning such basement.
- (4) No person, firm, or corporation shall install, construct or lay any sanitary sewer pipe connecting to the city sanitary sewer system without firms making proper application, paying the required fee, and receiving a duly authorized permit from the city.
 - (a) Issuance of such permit and all installations shall be in full conformance with all requirements of Section 8.1 and all other applicable -ordinances, rules and regulations of the city, and rules and regulations of the Oregon State Plumbing Code. No portion may be covered prior to approval by the city.
- (5) No matter, material, or substance other than sewage shall be permitted to enter the sanitary sewer system, and no mater, material or substance of any kind shall be deposited in any manhole or clean out except such cleaning or flushing materials or substances as may be authorized or directed by the ~~City Administrator~~ City Manager. No commercial, manufacturing, or processing wastes and no septic tank or cesspool contents or effluent shall be placed in any sanitary sewer system, unless a permit therefore shall have been first obtained from the city. Such permit will be issued only under conditions, and for such materials, as may be designated by the city.

- (6) Any existing private sewer line or house service line connecting to any city sanitary sewer and which is deemed to be a hazard to public health due to improper construction, deterioration, lack of repair and maintenance, or from any other cause shall, upon determination of the existence of such hazard by the ~~City Administrator~~City Manager, be repaired as directed by the ~~City Administrator~~City Manager. Such repairs shall be completed within thirty (30) days of the date of delivery to the owner or occupant of the property of written notice to make the repairs.

8.1.2 Prohibited Actions.

- (1) It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.
- (2) It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the requirements of the Code.
- (3) Except as herein provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
 - (a) Temporary use of self-contained, portable toilets may be used, with the permission of the ~~City Administrator~~City Manager, when adequate permanent facilities are not available for a large gathering or for sports fields. Such facilities must be adequately maintained and sewage disposed of in accordance with the requirements of this Code. No dumping of such toilets into the city system is permitted.

8.1.3 Building Sewers and Connections.

- (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city. Taps into city sewer mains must be done by licensed plumbing contractors.
- (2) The permit application shall be supplemented by any plans, specifications, or other information considered pertinent by the city. A permit and inspection fee shall be established by resolution of the City Council.
- (3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the applicant. The applicant shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of a building sewer.
- (4) A separate and independent building sewer shall be provided for every building, except where otherwise approved by the city.

- (5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city, at the expense of the applicant, to meet all requirements of this Code.
- (6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city and state.
- (7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (8) No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff of groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or state. All such connections shall be made gastight or watertight. Any deviation from the prescribed procedures and materials must be approved by the city before installation.
- (10) The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city.
- (11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the city. Such restorations must be completed in a timely manner.

8.1.4 Application for Building Sewer Permit.

- (1) Application for a building sewer permit to connect to a sanitary sewer line shall be made at the same time as the application for a building permit for the building or structure to be connected to the sanitary sewer line, except when the building sewer permit is to allow connection to a sanitary sewer line from a building or structure already in existence.
- (2) Every building sewer permit shall expire by limitation and become null and void if connection is not made to a sanitary sewer line within one hundred twenty (120) days from the date of issuance of such permit, unless an extension is requested in writing and authorized by the city. In the event a building sewer permit so expires before a connection to a sanitary sewer line is made, the building sewer permit fee is not refundable.

- (3) Before a connection can be made in the event of the expiration of a building sewer permit, a new sewer permit -fee must be paid. Said sewer permit fee shall be one-half the amount required for a new building sewer permit fee, provided that no significant changes have been made or will be made in the original plans and specifications for the structure which will be connected to the sanitary sewer line, and provided further that such suspension or abandonment has not exceeded one (1) year from the original issuance date of the building sewer permit.

8.1.5 Maintenance and Damage Responsibility for Private Sewer Lines. The customer shall be responsible for the maintenance of the private sewer line from the public sewer connection to the premises served. The city shall not be liable for any damage accruing from the failure of a private sewer or of fixtures or appurtenances attached thereto.

8.1.6 Use of Public Sewers.

- (1) No person shall discharge or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, or unpolluted industrial process waters to any sanitary sewer.
- (2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the city. Industrial cooling water or unpolluted process waters may be discharged, on approval of the city, to a storm sewer, or natural outlet.
- (3) No person shall discharge, or cause to be discharged, any of the following described waters or wastes to any public sewers:
 - (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to cyanides in excess of two mg/l in the wastes as discharged to the public sewer;
 - (c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, manure, hair and

fleshings, entrails, paper dishes, cups, milk containers, disposable diapers, etc., either whole or ground by garbage grinders.

- (4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appear likely, in the opinion of the city, that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In determining the acceptability of these wastes, the city will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. Substances prohibited are:
- (a) Any liquid or vapor having a temperature higher than 65 degrees Celsius (150 degrees Fahrenheit);
 - (b) Any water or waste containing fats, gas, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between 0 degrees and 65 degrees Celsius (32 degrees and 150 degrees Fahrenheit);
 - (c) Any organic garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor larger than 0.76 horsepower metric (3/4 horse) shall be subject to the review and approval of the city;
 - (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
 - (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city for such materials;
 - (f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the city as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction of such discharge to the receiving waters;
 - (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;
 - (h) Any waters or wastes having a pH in excess of 9.5;
 - (i) Materials which exert or cause:

- 1) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - 2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - 3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 - 4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein; and
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (5) If any waters or wastes are discharges or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section, and which, in the judgment of the city, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:
- (a) Reject the wastes;
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (c) Require control over the quantities and rates of discharge; and/or
 - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

8.2 WATER REGULATIONS

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

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

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

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

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

8.2.6 Service Pipe Maintenance.

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

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

8.2.7 Prohibited Use of Water.

(1) Water will not be furnished where there are defective or leaking faucets, water closets, or other fixtures, or where there are water closets or urinals without

self-closing valves, or tanks without self-acting float valves; and when such may be discovered, the supply may be withdrawn.

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

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

8.2.9 Entry Upon Private Property.

- (1) City employees or their agents are authorized at all reasonable times to enter a customer's premises in which water may be delivered from the City mains for the purpose of inspecting the condition of exterior pipes and fixtures, the manner in which the water is used and to read meters.
- (2) A property owner or occupant of a property shall not prevent agents of the City from performing the above duties by blocking or physically obstructing access, preventing access by the presence of an animal or animals that threaten or endanger an agent's safety, or by damaging the water system.
- (3) No person shall interfere with or attempt to prevent a City employee or agent from entering upon private premises when a water emergency exists.

8.2.10 Regular Service

- (1) Any customer receiving water service shall, at their own risk and expense, furnish and keep in good condition any equipment required for utilizing water.
- (2) A customer may not make any material change in the size, character or extent of the equipment or operation utilizing water service without prior written approval of the City.
- (3) A customer may not resell water received from the City, nor shall water be delivered to any premises other than those specified in the application for service.
- (4) Only authorized City personnel and agents may turn water service on or off at the meter. It is a Class B violation for an unauthorized person to turn water service on or off.

- (5) The City shall not be responsible for damage to premises which may be the result when water service is turned on or off, or discontinued or interrupted for improvements or repairs.
- (6) Service connections are the property of the City, whether located on public or private property.
- (7) A customer receiving water service from the City agrees, as a condition of the receipt of water from the City, that City employees or their agents are authorized to enter the customer's premises at reasonable times for any purpose reasonably related to the provision of water to the premises.

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

- (1) The customer using a fire protection system shall furnish and maintain a service meter approved by the City. Service connection and meter installation shall be required by the City at the expense of the customer.
- (2) When a building has a fire protection service, whether a wet or dry sprinkler system, separate from the regular water service to the building, an approved proportional meter or detector check may be used in place of a service meter. The customer shall agree in writing that water supplied through this service will not be used for any purpose except for extinguishing a fire. If an approved proportional meter or detector check registers water use other than to extinguish a fire, the City may require installation of a service meter at the expense of the customer.
- (3) No charge shall be made for water used by any fire department to extinguish a fire.
- (4) The City may terminate water service to an approved fire protection system if water is used for purposes not related to extinguishing a fire.

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

- (1) Service will be provided subject to the capacity of the existing water system and the availability of surplus water to be determined by the Dayton City Council.
- (2) The City will act on each application for service on its merits without regard to other past or present applications or service.
- (3) Installation and maintenance of service lines from the connection to the City water main shall be at the sole expense of the owner of the property.
- (4) Pressure and other conditions are to be at the risk of the owner of the property, without guarantee, and the City shall have no liability for failure to provide service or for any failure of the system.

- (5) A nonresident water service agreement must be entered into between the City and the customer. Water service may be terminated upon violation of the nonresident water service agreement or a determination by the City Council that surplus water is no longer available.

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

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

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

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

8.2.16 Meters.

- (1) Meters shall be the property of the City after installation and after inspection and approval by the Public Works Superintendent.
- (2) No rent or other charges shall be paid by the City for a meter or other equipment located on the customer's premises.
- (3) Cost of meters, meter boxes, covers, lids and installation shall be paid by the customer. City shall make meters and boxes available to customer at City's cost.
- (4) Meters shall be sealed by the City at the time of inspection, and no seal shall be altered or broken except by its authorized agents. In addition to penalties provided in any state or federal statutes, it is a Class A Violation for any person other than an authorized city agent to alter a water meter seal.
- (5) Individual meters are required for single-family dwellings and each dwelling unit for two-family and three-family dwellings, manufactured homes, manufactured home parks, and manufactured home subdivisions. Individual

meters are not required for boarding or rooming houses, multi-family dwellings with 4 or more units, hotels, motels, or recreational vehicle parks.

- (6) If a change in size of a meter and service is required, the customer must reapply for water service with the City.
- (7) Meters must be placed within two (2) feet of the property line and may not be placed inside any structure or covered by landscaping, fencing, or gravel. Meters that are improperly placed or obscured by property owners in any manner must be moved or uncovered at the expense of the property owner.

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

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

8.2.19 Large Withdrawal of Water.

- (1) When a residential customer or other person is interested in making a withdrawal of water greater than 5,000 gallons, such as for filling swimming pool or pond, prior approval of the City is required. Permission shall be given only if sufficient water reserves are available to meet the request and if water can be withdrawn in a manner that will not adversely affect the existing water system or inhibit the ability of existing customers to maintain consistent water service as determined by the ~~City Administrator~~City Manager.
- (2) Bulk users, such as commercial cleaning services, commercial spraying businesses, and other commercial bulk users of water recognized by the City may request a bulk water permit from the ~~City Administrator~~City Manager.
 - (a) To acquire the permit, the applicant's tankers must be inspected and approved by the Superintendent for cross connection control devices and valve compliance.
 - (b) Bulk water permits shall be approved only if sufficient water reserves are available to meet the request and if water can be withdrawn in a manner that will not adversely affect the existing water system or inhibit the ability of existing customers to maintain consistent water service as determined by the ~~City Administrator~~City Manager.
 - (c) Bulk water will be charged at a bulk water rate established by resolution of the City Council.

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

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

8.2.22 Damage to City Property. The customer shall be liable for damage to a meter or other equipment or property owned by the City which is caused by an act or omission by the customer, tenants or agents. The damage shall include, but is not limited to, the breaking or destruction of seals and damage to a meter that may result from hot water or steam, from a boiler or heater on the customer's premises, use of blow torch or heating device to thaw frozen lines, or use of tools to illegally turn water meters on or off.

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

8.2.24 Levels of Water Restrictions, Crisis and Emergencies Imposed:

(Revised 10/4/10; Ordinance 602)

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

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

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

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

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

(b) Prohibitions Inside City Limits. During Grade 1 Water Restrictions, in-city water users are prohibited (except between 12:01 am to 10:00 am and 6:00 pm to 12:00 am) on even-numbered days for locations

with even-numbered street addresses and odd-numbered days for locations with odd-numbered street addresses from:

- 1) Except for new grass or turf seeded or sodded not more than ninety (90) days prior to the City Manager's declaration, watering, sprinkling or irrigating grass or turf;
- 2) Watering, sprinkling, or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation or trees;
- 3) Except to alleviate immediate fire or sanitation hazards, dust control or to meet air quality requirements mandated by the Oregon Department of Environmental Quality, the watering, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas;
- 4) Power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction or for aesthetic purposes;
- 5) Except where public health, safety and welfare mandates otherwise, washing trucks, cars, trailers, tractors or other land vehicles or boats or other water vehicles, except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes; and
- 6) Cleaning, filling, or maintaining decorative water features, natural or man-made, including but not limited to, fountains, lakes, ponds and streams, unless the water is re-circulated through the decorative water feature.

(c) **Restrictions and Prohibitions Outside City Limits.** For users residing outside the City Limits, all outside watering is prohibited except for watering vegetable gardens between the hours of 12:01 am and 10:00 am and 6:00 pm and 12:00 am on even numbered days for those locations having even numbered street addresses and odd numbered days for those locations having odd numbered street addresses.

(2) Grade 2 Water Crisis (Moderate).

- (a) The City Manager may declare a "Grade 2" Water Crisis when he/she determines (after consultation with the Public Works Superintendent) that a water shortage presently exists in the City. The City Manager may impose any or all of the measures listed in subsections 2(d) through 2(f) until such time as he/she reasonably believes the water shortage no longer exists.
- (b) The City Manager shall notify the public of the "Grade 2" status using newspaper, radio and other media sources and the notification shall include a request that affected users of City water voluntarily curtail

all nonessential water use. Public updates on the water emergency shall be provided until the Grade 2 Crisis is either rescinded or lowered to Grade 1.

- (c) In the event the City Manager believes the Grade 2 crisis affects a limited number of users such that individual notification would be more effective, the City Manager may opt for said individualized notice in lieu of the notice described in 2(b) above.
- (d) **Prohibitions Inside and Outside City Limits.** During a declared Grade 2 Water Crisis, all users of City water are prohibited from:
 - 1) Filling new above or in-ground swimming pools;
 - 2) Cleaning and refilling existing above or in-ground swimming pools; and
 - 3) Leaving hoses or faucets unattended and running.
- (e) **Prohibitions Inside City Limits.** During a declared Grade 2 Water Crisis, for water users inside the City limits, (in addition to the limitation imposed by subsection (d) above) the following actions are prohibited:
 - 1) Watering, sprinkling or irrigating any lawn, grass or turf;
 - 2) Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, vegetation, or trees;
 - 3) Washing trucks, cars, trailers, tractors or other land vehicles, except in facilities reusing the water in their washing processes;
 - 4) Power washing of buildings;
 - 5) Watering, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas except where there is a demonstrable need in order to meet public health or safety requirements, such as to alleviate or address fire or sanitation hazards; and
 - 6) Filling decorative water features, natural or man-made, including but not limited to, fountains, lakes, ponds and streams, except in limited amounts necessary to keep fish or other aquatic animals alive.
- (f) **Restrictions and Prohibitions Outside City Limits.** During a declared Grade 2 Water Crisis, for users residing outside the City limits, all outside watering is prohibited except for the provision of drinking water for livestock and domestic animals.

(3) Grade 3 Water Emergency (Severe).

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

8.2.25 Notification.

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

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

- (1) Any violation of the mandatory restrictions set forth in DMC 8.2.24 shall be enforced by the City Manager or his/her designee as follows:
 - (a) **Warning for First Offense.** A Notice of Violation shall be delivered to the premises where the violation occurred. The Notice shall state date, time and observed or presumptive evidence of the violation. If the owner or occupant of the premises is not present, the Notice will be posted on the front door advising the user of the violation and warning that water service may be discontinued without further notice if the violation continues. A Notice of Violation based upon presumptive evidence may be appealed to the City Manager by submitting within one (1) working day of the warning a written request for an informal hearing.
 - (b) **Repeat Offense - Discontinuance of Service.**

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

(c) **Appeal of Discontinuance of Service.**

- (1) Upon payment of the reconnection fee, the owner and or occupant of the Premises may appeal the disconnection and payment of the reconnection fee to the City Manager. An appeal must be taken, if at all, within ten (10) calendar days of the payment of the reconnection fee and shall include a written explanation of why the owner and/or occupant believes no violation of the relevant provisions(s) of 8.2.24.1 occurred.
- (2) The City Manager shall hear the appeal and if sustained refund the reconnection fee within three (3) days of such request. The City Manager's decision shall be final.

8.2.27 Repeal of Water Restriction, Crisis, or Emergency.

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

8.3 WATER SUPPLY CROSS CONNECTION

8.3.1 Cross Connections. The installation or maintenance of a cross connection which will endanger the water quality of the potable water supply system of the city shall be unlawful and is prohibited. Any such cross connection now existing or hereafter installed is declared to be a public hazard and the same shall be abated. The control or elimination of cross connections shall be in accordance with this section of the Code and with the Oregon Administrative Rules Chapter 333 Public Water Systems Section 61-070. The ~~city administrator~~City Manager shall have the authority to establish requirements more stringent than state regulations if it is deemed that conditions so dictate. The city shall adopt rules and regulations as necessary to carry out the provisions of this section of the Code in the inspection of existing, new and remodeled buildings.

8.3.2 Use of Backflow Prevention Devices.

- (1) No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state law and Section 8.3 of this Code. Service of water to any premises shall be discontinued by the city if a backflow prevention device required by this Code is not installed, tested and maintained, or if it is found that a backflow device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- (2) The customer's system should be open for inspection and tests at all reasonable times to authorized representatives of the city to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the ~~city administrator~~City Manager shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.
- (3) An approved backflow prevention device shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.
- (4) Backflow prevention devices shall be installed under circumstances including but not limited to the following:
 - (a) Premises having an auxiliary water supply;

- (b) Premises having cross connections that are not correctable, or intricate planning arrangements which make it impractical to ascertain whether or not cross connections exist;
- (c) Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross connections do not exist;
- (d) Premises having a history of cross connections being established or reestablished;
- (e) Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters;
- (f) Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a serious health hazard might result;
- (g) The following types of facilities will fall into one of the above categories where a backflow prevention device is required to protect the public water supply. A backflow prevention device shall be installed at these facilities unless the city determines that no hazard exists:
 - 1) Hospitals, mortuaries, clinics,
 - 2) Laboratories,
 - 3) Metal plating industries,
 - 4) Piers and docks,
 - 5) Sewage treatment plants,
 - 6) Food or beverage processing plants,
 - 7) Chemical plants using a water process,
 - 8) Petroleum processing or storage plants,
 - 9) Radioactive material processing plants or nuclear reactors,
 - 10) Facilities with fire service lines as specified by Oregon State Health Division,
 - 11) Others specified by the purveyor.

- (5) The type of protective device required shall depend upon the degree of hazard which exists:
 - (a) An air-gap separation or a reduced-pressure principle backflow prevention device shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which could cause a health or system hazard;
 - (b) In the case of a substance which may be objectionable, but not hazardous to health, a double check valve assembly, air-gap separation, or a reduced-pressure-principal backflow prevention device shall be installed.
- (6) Backflow prevention devices required by this section shall be installed under the supervision, and with the approval of, the city or its building inspector.
- (7) Any protective device required by this section of the Code shall be approved by the superintendent of public works or the building inspector.
- (8) These devices shall be furnished and installed by, and at the expense of, the customer.
- (9) It shall be the duty of the customer-user at any premises where backflow prevention devices are installed to have certified inspections and operational tests made at least once each year. In those instances where the superintendent of public works deems the hazard to be great enough, he may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by a certified tester approved by the city. The city may choose to enter into a contract with a licensed tester who will provide multiple backflow tests. The customer must give advanced written consent to have the device tested by the city's contracted tester and the fee will be added to the customer's utility bill. It shall be the responsibility of the Cross Connection Specialist to ensure that the devices to be tested by the city's licensed tester are tested in a timely manner. It shall be the duty of the superintendent of public works to assure that these timely tests are made. The customer-user shall notify the superintendent of public works in advance when the tests are to be undertaken so that the superintendent of public works or a representative may witness the tests if so desired. These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever said devices are found to be defective. Records of such tests, repairs and overhaul shall be kept and copies sent to the superintendent of public works. *(Revised ORD 611; effective 10/1/12)*
- (10) No underground sprinkling device will be installed without adequate backflow prevention devices.
- (11) Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by Section 8.3 of this Code or by state law shall be grounds for the termination of water service to the premises.

8.3.3 Cross Connection Inspection.

- (1) No water shall be delivered to any structure hereafter built within the city of Dayton or within areas served by city water until the same shall have been inspected by the city for possible cross connections and been approved as being free of same.
- (2) Any construction for industrial or other purposes which is classified as hazardous facilities where it is reasonable to anticipate intermittent cross connections, or as determined by the ~~city administrator~~City Manager or his/her designated representative, shall be protected by the installation of one or more backflow prevention devices at the point of service from the public water supply or any other location designated by the city.
- (3) Inspections shall be made at the discretion of the ~~city administrator~~City Manager or his/her designated representative of all buildings, structures, or improvements for the purpose of ascertaining whether cross connections exist. Such inspections shall be made by the city.

8.3.4 Liability. Section 8.3 through 8.3.3 shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or testing herein, or the failure to inspect or test or by reason of approval of any cross connections.

8.3.5 Penalties. Violation of any rule or regulation contained herein shall constitute a Class A violation.