

**ORDINANCE 648
CITY OF DAYTON, OREGON**

AN ORDINANCE REPEALING PROVISIONS OF THE DAYTON MUNICIPAL CODE SECTION 8.2 RELATED TO WATER RESTRICTIONS, CRISES AND EMERGENCIES, REPLACING PROVISIONS AND DEFINING VIOLATIONS.

WHEREAS, it is critical that the City's water supply be preserved by means of voluntary and enforced conservation measures in times of real or potential threats to such water supply; and

WHEREAS, it is appropriate to adopt this water curtailment policy to provide for the City's response to a diminished water supply and to prohibit certain non-essential uses of City-supplied water.

The City of Dayton ordains as follows:

Section 1. Section 8.2.28 Violations are hereby added; and

Section 2. Sections 8.2.24 through 8.2.27 are hereby repealed and replaced with the following:

8.2.24 Findings and Declaration of Water Curtailment

(1) The policy of the city is to curtail water use during drought conditions to ensure that the city has adequate fire flow and supply for essential service requirements. The City has developed a five-stage curtailment plan to be invoked in the event of a water supply shortage. These stages are designed to be initiated and implemented in progressive steps.

The City Manager, after consultation with the Mayor, may declare that water usage must be curtailed if the adequacy of the water supply for the city is sufficiently endangered 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 City Manager to interrupt delivery of potable water.

After the declaration has been issued, the City Council may address the water curtailment declaration and modify it as they see fit.

Public notification of each curtailment stage will be distributed using at least one of the following methods: newspaper, radio, television, City website, and notices delivered to water utility customers. The notice will include the water curtailment stage, findings to establish the curtailment and an effective date. A notice will also be placed on the Dayton Fire Department reader board. Public updates on water curtailment shall be provided during each stage; when a stage is lowered or until it is rescinded. Failure of any affected person to receive notice shall not relieve the user of complying with any restrictions.

In the event the City Manager believes the water curtailment 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 above.

8.2.25 Stages of Municipal Water Curtailment

Stage 1 Water Curtailment: Limited

- a) Prohibitions. During Stage 1 Water Curtailment, all City water users are prohibited from watering lawn, grass or turf except even-numbered addresses on even numbered days of the month and odd numbered addresses on odd numbered days of the month before 10 am and after 6 pm.

(1) Stage 2 Water Curtailment: Moderate

- a) Prohibitions. During Stage 2 Water Curtailment, all City water users are prohibited from the following activities or actions:
 - 1) Filling new above or in-ground swimming pools or hot tubs;
 - 2) Cleaning and refilling existing above or in-ground swimming pools or hot tubs;
 - 3) Leaving hoses or faucets unattended and running;
 - 4) Watering, sprinkling or irrigating any lawn, grass or turf. On request, the City Manager may approve exceptions for new landscaping that previously has been planted but not established;
 - 5) Watering, sprinkling or irrigating flowers, plants, hanging baskets, shrubbery, ground covers, or trees except for hand watering before 10 am and after 6 pm.
 - 6) Washing trucks, cars, trailers, tractors or other land vehicles, except in facilities reusing the water in their washing processes;
 - 7) Power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction or for aesthetic purposes;
 - 8) 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

- 9) 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.

(3) Stage 3 Water Curtailment: Serious

- (a) Prohibitions. During a declared Stage 3 Water Curtailment, all City water users are subject to the prohibitions outlined in Grade 2 and are prohibited from all outdoor watering except gardens for human consumption at even-numbered addresses on even numbered days of the month and odd numbered addresses on odd numbered days of the month between the hours of 6 pm and 10 am.

(4) Stage 4 Water Curtailment: Severe

- (a) Prohibitions. During a declared Stage 4 Water Curtailment, all City water users are subject to the prohibitions outlined in Grade 2 and Grade 3 and are prohibited from the following actions:

- 1) Watering, sprinkling or irrigating of any gardens.

(5) Stage 5 Water Curtailment: Emergency

- (a) In the event of such declaration, the City Manager has, in addition to the authority for restrictions in a Stages 2 through 4, 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. The City will inform customers of the emergency water shortage and that water use is only authorized for life support and basic household use.

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 8.2.25 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 8.2.25 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 submitted, 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 8.2.25 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 Curtailment The City Manager, after consultation with the Mayor and informing the City Council, may repeal or declare a lower level of water curtailment.

8.2.28 Violation. Violation of section 8.2.25 of the Dayton Municipal Code is a Class A violation.

PASSED AND ADOPTED by the City Council of the City of Dayton on this 15th day of June, 2020.

Mode of Enactment:

Date of first reading: June 1, 2020 In full _____ or by title only X

Date of second reading: June 15, 2020 In full _____ or by title only X

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

X 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, Holbrook, Mackin, Marquez, Price, Wytoski

Opposed: None

Absent: Sandoval-Perez

Abstained: None

Elizabeth Wytoski
Elizabeth Wytoski, Mayor

6/16/2020
Date of Signing

ATTESTED BY:

Patty Ringnalda
Patty Ringnalda, City Recorder

06/15/2020
Date of Enactment

8.2.24_Levels of Water Restrictions, Crisis and Emergencies Imposed: Findings and Declaration of Water Curtailment *(Revised 10/4/10; Ord 602)*

(1) Grade 1 Watering Restriction (Limited).

The policy of the city is to curtail water use during drought conditions to ensure that the city has adequate fire flow and supply for essential service requirements. The City has developed a five-stage curtailment plan to be invoked in the event of a water supply shortage. These stages are designed to be initiated and implemented in progressive steps.

The City Manager, after consultation with the Mayor, may declare that water usage must be curtailed if the adequacy of the water supply for the city is sufficiently endangered based on the presence of one or more of the following events/conditions: 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 City Manager to interrupt delivery of potable water.

After the declaration has been issued, the City Council may address the water curtailment declaration and modify it as they see fit.

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. Each curtailment stage will be distributed using at least one of the following methods: newspaper, radio, television, City website, and notices delivered to water utility customers. The notice will include the water curtailment stage, findings to establish the curtailment and an effective date. A notice will also be placed on the Dayton Fire Department reader board. Public updates on water curtailment shall be provided during each stage; when a stage is lowered or until it is rescinded. Failure of any affected person to receive notice shall not relieve the user of complying with any restrictions.

In the event the City Manager believes the water curtailment 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 above.

~~(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).~~

8.2.25 Stages of **Municipal Water Curtailment**

(1) Stage 1 Water Curtailment: Limited

~~(ba) Prohibitions Inside City Limits. During Grade Stage 1 Water Restrictions Curtailment, in all Ceity water users are prohibited from watering lawn, grass or turf except (except between 12:01 am to 10:00 am and 6:00 pm to 12:00 am) on even-numbered addresses on even numbered days of the month and odd numbered addresses on odd numbered days of the month between the hours before 10 am and after of 6 pm. and 10 am. days for locations with even-numbered street addresses and odd-numbered days for locations with odd-numbered street addresses~~

(2) Stage 2 Water Curtailment: Moderate

a) Prohibitions. During Stage 2 Water Curtailment, all City water users are prohibited from the following activities or actions:

1) from:

Filling new above or in-ground swimming pools or hot tubs;

2) Cleaning and refilling existing above or in-ground swimming pools or hot tubs;

3) Leaving hoses or faucets unattended and running;

4) Watering, sprinkling or irrigating any lawn, grass or turf. On request, the City Manager may approve exceptions for new landscaping that previously has been planted but not established;

5) Watering, sprinkling or irrigating flowers, plants, hanging baskets, shrubbery, ground covers, or trees except for hand watering with a hand-held hose before 10 am and after 6 pm. between the hours of 6 pm and 10 am;

6) Washing trucks, cars, trailers, tractors or other land vehicles, except in facilities reusing the water in their washing processes;

7) Power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction or for aesthetic purposes;

8) 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

9) 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.

~~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.~~

(3) Grade 2 Water Crisis (Moderate); Stage 3 Water Curtailment: Serious

~~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.~~

~~(e)~~

~~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.~~

~~(a)(d) Prohibitions Inside and Outside City Limits. During a declared Grade 2 Stage 3 Water Curtailment, Crisis, all users of City water are subject to the prohibitions outlined in Grade 2 and are prohibited from all outdoor watering except gardens for human consumption at even-numbered addresses on even numbered days of the month and odd numbered addresses on odd numbered days of the month between the hours of 6 pm and 10 am.~~

(4) Stage 4 Water Curtailment: Severe

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~~Filling new above or in-ground swimming pools;~~

~~Cleaning and refilling existing above or in-ground swimming pools; and~~

~~Leaving hoses or faucets unattended and running.~~

~~(ae) Prohibitions Inside City Limits. During a declared Grade 2 Stage 4 Water Curtailment crisis, for water users inside the City limits, all City water users are subject to the prohibitions outlined in Grade 2 and Grade 3 (in addition to the limitation imposed by subsection (d) above) the following actions are prohibited: and are prohibited from the following actions:~~

~~1) Watering, sprinkling or irrigating of any gardens.~~

~~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;~~

~~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.~~

~~(53) Grade 3 Stage 5 Water Emergency (Severe). Curtailment: Emergency~~

~~(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 Stages 2 through 4 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. The City will inform customers of the emergency water shortage and that water use is only authorized for life support and basic household use.~~

~~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.~~

8.2.266

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

- (1) Any violation of the mandatory restrictions set forth in DMC 8.2.245 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~~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 8.2.254.1 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 ~~submitted~~~~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 8.2.24.125 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.

~~8.2.277~~

~~Repeal of Water Restriction Curtailment, Crisis, or Emergency.~~ The City Manager, after consultation with the ~~Public Works Superintendent~~ Mayor and informing the City Council, may repeal or declare a lower level of water ~~restriction curtailment, crisis, or emergency.~~

8.2.28 Violation. Violation of section 8.2.25 of the Dayton Municipal Code is a Class A violation.

~~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 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 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 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.~~