

## West Linn Code

(3) Level III - Severe. In addition to the restrictions in Level II, the following actions may be taken under Level III:

(a) Restriction or limitation of residential usage.

(b) Restriction or limitation of activities which require or may require the need for water supplies. By way of example, this restriction might be placed upon a fireworks display which would otherwise be allowed under state law and local ordinance.

(c) Any restriction which is identified by the director of public works.

(d) Any restriction which is identified by the director of public safety or his designee within the fire department.

### **4.260 Enforcement.**

(1) Warning. Each violation shall receive a warning. The letter of warning shall be in writing, shall specify the violation, may require compliance measures, and shall be served upon the resident either personally, by office or substitute service, or by certified or registered mail, return receipt requested.

(2) Citation. After the resident has received a warning letter, any subsequent violation shall be treated as a civil infraction pursuant to sections 1.215 to 1.260 of the West Linn Municipal Code. No forfeiture assessed for violation of this ordinance shall be less than \$100 nor more than \$500 for each violation.

### **4.265 Penalties.**

(1) First violation - Warning letter.

(2) Second violation of same type - Class C infraction \$100.

(3) Third violation of same type - Class B infraction \$250.

(4) Fourth and subsequent violation - Class A infraction \$500.

(5) Third and subsequent violations under Level III may include water shut-off.

**4.270 Amendments, Special Rules, Contracts.** The city council shall have the power, at any time, to amend, change, or modify any rule, rate, or charge, and to make special rules, and contracts, and all water service is subject to such power.

## **WATER SUPPLY CROSS CONNECTION**

### **4.300 Purpose and Scope.**

The purpose of sections 4.300 to 4.330 is to protect the public health of water consumers by the control of actual and/or potential cross connections to customers.

**4.305 Definitions.** West Linn Municipal Code sections 4.300 to 4.330 are amended to read as follows:

Backflow. The flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any sources other than its intended source, and is caused by backsiphonage or backpressure.

Backpressure. An elevation of pressure downstream of the distribution system that would cause, or tend to cause, water to flow opposite of its intended direction.

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

Backflow prevention assembly (approved). A Reduced Pressure Principle Backflow Prevention Assembly, Reduced Pressure Principle-Detector Backflow Prevention Assembly, Double Check Valve Backflow Prevention Assembly, Double Check-Detector Backflow Prevention Assembly, Pressure Vacuum Breaker Backsiphonage Prevention Assembly, or Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly of a make, model, orientation, and size

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approved by the Department. Assemblies listed in the currently approved backflow prevention assemblies list developed by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, or other testing laboratories using equivalent testing methods, are considered approved by the Department.

Department. The Oregon Department of Human Services.

Backflow prevention assemblies (type). Any approved assembly used to prevent backflow into a potable water system. The type of assembly used should be based on the degree of hazard, either existing or potential.

Contaminant. Any physical, chemical, biological, or radiological substance or matter in water that creates a health hazard.

Cross connection. Any actual or potential unprotected connection or structural arrangement between the public or user'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 substances other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel, or change-over devices, and other temporary or permanent devices through which, or because of which, backflow can occur are considered to be cross connections.

Director. The Director of Public Works of the City of West Linn, or authorized agent.

Degree of Hazard. Either pollution (non-health hazard) or contamination (health hazard) and is determined by an evaluation of hazardous conditions within a system.

Health Hazard (Contamination) An impairment of the quality of the water that could create an actual hazard to the public health through poisoning or through the

spread of disease by sewage, industrial fluids, waste, or other substances.

Non-Health Hazard (Pollution) An impairment of the quality of the water to a degree that does not create a hazard to the public health, but does adversely affect the aesthetic qualities of such water for potable use.

Public Health Hazard. A condition, device or practice which is conducive to the introduction of waterborne disease organisms, or harmful chemical, physical, or radioactive substances into a public water system, and which presents an unreasonable risk to health.

Health Division Officer. The Oregon Department of Human Services, Health Services Officer, or authorized agent.

Potable water supply. Any system of water supply intended or used for human consumption or other domestic use.

Air gap. An approved air gap, or an approved reduced pressure backflow assembly (RPBA) shall be installed where the substance that could backflow is hazardous to health, such as but not limited to; sewage treatment plants, sewage pump stations, chemical manufacturing plants, plating plants, hospitals, mortuaries, car washes, and medical clinics.

### **4.310 Cross Connections.**

The installation or maintenance of an unprotected 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 unprotected 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 accord with sections 4.300 to 4.330. The building official is authorized to enforce the provisions of sections 4.300 to 4.330 in the inspection of existing, new, and remodeled buildings.

**4.315 Use of Backflow Prevention Assemblies.**

(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 regulation and sections 4.300 to 4.330. Service of water to any premises shall be discontinued by the city if an approved backflow prevention assembly required by sections 4.300 to 4.330 or applicable state statute or regulation is not installed, tested or maintained or if it is found that a required backflow prevention assembly 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 director may 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) When required, an approved backflow prevention assembly shall 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, except for nondedicated irrigation sprinkler systems or nondedicated fire sprinkler systems. Location of the approved backflow assembly installation in special circumstances is subject to approval by the Director, Plumbing Inspector, or Building Official.

(4) Premise isolation requirements:

(a) For service connections to premises listed or defined in Table 1 (premises Requiring Isolation), the City of West Linn shall ensure an approved backflow prevention assembly or an approved air gap is installed;

(A) Premises with cross connections not listed or defined in Table 1 (Premises Requiring Isolation), shall be individually evaluated. The City of West Linn shall require the installation of an approved backflow prevention assembly or an approved air gap commensurate with the degree of hazard on the premise, as defined in Table 2 (Backflow Prevention Methods);

(B) In lieu of premise isolation, the City of West Linn may accept an in-premise approved backflow prevention assembly as protection for the public water system when the approved backflow prevention assembly is installed, maintained and tested in accordance with the Oregon Plumbing Specialty Code and these rules.

(b) Where Premise isolation is used to protect against a cross connection, the following requirements apply;

(A) The City of West Linn shall:

(i) Ensure the approved backflow prevention assembly is installed at a location adjacent to the service connection or point of delivery;

(ii) Ensure any alternate location used must be with the approval of the City of West Linn and must meet the City's cross connec-

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- tion control requirements; and
- (iii) Notify the premise owner and/or water user, in writing, of thermal expansion concerns.
- (B) The premise owner shall:
- (i) Ensure no cross connections exist between the point of delivery from the public water system and the approved backflow prevention assemblies when these are installed in an alternate location; and
  - (ii) Assume responsibility for testing, maintenance, and repair of the installed approved backflow prevention assembly to protect against the hazard.
- (c) Where unique conditions exist, but not limited to, extreme terrain or pipe elevation changes, or structures greater than three stories in height, even with no actual or potential health hazard, an approved backflow prevention assembly may be installed at the point of delivery; and
- (d) Where the City of West Linn chooses to use premise isolation by the installation of an approved backflow prevention assembly on a one or two family dwelling covered by the Oregon Plumbing Specialty Code, and there is no actual or potential cross connection, the water supplier shall:
- (A) Install the approved backflow prevention assembly at the point of delivery;
  - (B) Notify the water user in writing of thermal expansion concerns; and
  - (C) Take responsibility for testing, maintenance and repair of the installed approved backflow prevention assembly.
- (5) The type of backflow prevention installed shall be at least commensurate with the degree of hazard which exists:
- (a) All Oregon Plumbing Specialty Code approved residential multi-purpose fire suppression systems constructed of potable water piping and materials do not require a backflow prevention assembly:
  - (6) Backflow prevention assemblies required by sections 4.300 to 4.330 shall be installed with the approval, of the city.
  - (7) Any protective assembly required by sections 4.300 to 4.330 shall be approved by the director.
  - (8) These assemblies 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 assemblies are installed to have operational tests/inspection made at least once per year by an OHS certified backflow assembly tester. For residential landscaping systems, these tests must be performed annually when the sprinkler system is activated which is normally in the spring. Regardless, all systems must be tested no later than July 1st of each year. In those instances where the director 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. It shall be the duty of the director to see that these timely tests are made. These assemblies shall be repaired, overhauled or replaced, and re-tested at the expense of the customer-user whenever said assemblies are found to be defective. Records of such tests, repairs and overhaul shall be kept and copies sent to the director.
  - (10) No underground sprinkling system or device will be installed without adequate backflow prevention assemblies.

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(11) Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by sections 4.300 to 4.330 or by state law shall be grounds for the termination of water service to the premises.

**4.320 Cross Connection Inspection.**

(1) No water shall be delivered to any structure hereafter built within the city of West Linn or within areas served by city water until the same shall have been inspected by the city for possible unprotected 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 director, shall be protected by the installation of one or more backflow prevention assemblies 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 director of all buildings, structures, or improvements for the purpose of ascertaining whether cross connections exist. Such inspections shall be made by the city.

**4.325 Liability.** Sections 4.300 to 4.330 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.

**4.330 Penalties.** Violation of any rule or regulation contained herein shall constitute a class A infraction.

[Sections 4.300 through 4.330 relating to water supply cross connection amended by Ordinance No. 1516, adopted on February 14, 2005.]

[See Tables 1 and 2, Page 4:26 and Page 4:27.]

TABLE 1 PREMISES REQUIRING ISOLATION BY AN APPROVED AIR GAP OR REDUCED PRESSURE PRINCIPLE TYPE OF ASSEMBLY HEALTH HAZARD
1. Agricultural (e.g. farms, dairies)
2. Beverage bottling plants*
3. Car washes
4. Chemical plants
5. Commercial laundries and dry cleaners
6. Premises where both reclaimed and potable water are used
7. Film processing plants
8. Food processing plants
9. Medical centers (e.g., hospitals, medical clinics, nursing homes, veterinary clinics, blood plasma centers)
10. Premises with irrigation systems that use the water supplier's water with chemical additions (e.g., parks, playgrounds, golf courses, cemeteries, housing estates)

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11. Laboratories
12. Metal plating industries
13. Mortuaries
14. Petroleum processing or storage plants
15. Piers and docks
16. Radioactive material processing plants and nuclear reactors
17. Wastewater lift stations and pumping stations
18. Wastewater treatment plants
19. Premises with piping under pressure for conveying liquids other than potable water and the piping is installed in proximity to potable water piping
20. Premises with an unapproved auxiliary water supply that is connected to a potable water supply
21. Premises where the water supplier is denied access or restricted access for survey
22. Premises where the water is being treated by the addition of chemical or other additives
* A Double Check Valve Backflow Prevention Assembly could be used if the water supplier determines there is only a non-health hazard at a beverage bottling plant.

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<b>TABLE 2</b>	
<b>BACKFLOW PREVENTION METHODS</b>	
USED FOR PREMISE ISOLATION	
<b>DEGREE OF IDENTIFIED HAZARD</b>	
Non-Health Hazard (Pollutant)	Health Hazard (Contaminant)
BACKSIPHONAGE OR BACKPRESSURE	BACKSIPHONAGE OR BACKPRESSURE
Air Gap (AG)	Air Gap (AG)
Reduced Pressure Principle Backflow Prevention Assembly (RP)	Reduced Pressure Principle Prevention Assembly (RP)
Reduced Pressure Principle-Detector Backflow Prevention Assembly (RPDA)	Reduced Pressure Principle-Detector Backflow Prevention Assembly (RPDA)
Double Check Valve Backflow Prevention Assembly (DC)	
Double Check-Detector Backflow Prevention Assembly (DCDA)	

**SYSTEMS DEVELOPMENT CHARGES**

**4.400 Purpose.**

Sections 4.400 to 4.485 are intended to provide authorization for systems development charges for capital improvements pursuant to ORS 223.297-223.314 for the purpose of creating a source of funds to pay for the installation, construction and extension of capital improvements. These charges shall be collected at the time of the development of properties which increase the use of capital improvements and generate a need for those facilities, or as otherwise provided in this code. [Section 4.400 amended by Ordinance No. 1416, enacted September 9, 1998.]

**4.405 Scope.** The system development charges imposed by sections 4.400 to 4.485 are separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development.

**4.410 Definitions.**

For purposes of sections 4.400 to 4.485, the following mean:

Actual Project Cost. Cost of materials, land and construction directly attributable to the construction of a capital improvement. These costs include design, construction materials and equipment, labor, short term financing costs (incurred from the date of a City agreement on improvement cost estimate to date of written acceptance of improvement), project management costs (not to exceed 5% of actual project cost), and City administration fees for the project. Land cost is the real market value of fee-title or dedication, as determined by the County Assessor or by a City approved appraiser at the time of application for systems development charge credit. The method of land valuation and type of property interest to be conveyed is at the discretion of the City Engineer. [Definition added by Ordinance No. 1418 enacted September 9, 1998.]