

CHAPTER 72 WATER

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72.010. Definitions. Wherever the following words are used in this chapter they shall have the meanings ascribed to them in this section:

- (a) Applicant means any persons, firm, copartnership, association, or corporation, acting for himself or through his employee or agent.
- (b) City means the City of Salem, Oregon.
- (c) Commercial user means any customer of the municipal water system who is neither a residential, multiple, irrigation, fire, or industrial user. Such term shall include institutional and governmental users.
- (d) Customer line means that piping connecting the meter to the building plumbing system.
- (e) Department means the department of public works.
- (f) Director means the director of public works or his authorized representative.
- (g) Dwelling unit means a facility designed for permanent or semipermanent occupancy and provided with minimum kitchen, sleeping, and sanitary facilities.
- (h) Fire protection service means an unmetered connection to the public water mains intended only for the extinguishment of fires and the flushing necessary for its proper maintenance.
- (i) Irrigation service means a metered connection intended for seasonal use and delivering water which is not discharged to the sanitary sewer.
- (j) Multiple dwelling means a structure housing two or more dwelling units.
- (k) Nonsewer service means any metered service using water none of which is discharged to a sanitary sewer. May include irrigation service.
- (l) Person means any natural person and includes firm, corporation, organization, and agency.
- (m) Premise means any lot, parcel, or tract of land owned by a single entity.
- (n) Service line means the line or pipe connecting from the water main to the water meter.
- (o) Sewer service charge means a monthly charge for collection and treatment of sewage as required by SRC 71.160, and normally billed as a part of a water bill.
- (p) Temporary service means a line connecting the nearest water main to the premises, in lieu of a permanent water main adjacent to the user's property.
- (q) Water main means a pipe or conduit, two inches or larger in inside diameter laid in a public street or easement to which a service line is connected. (Ord No. 3149; Ord No. 55-77)

72.017. Construction to Conform to Standards. All public or private water distribution systems to be connected to the municipal water system, whether publicly or privately constructed, shall conform to standards of design, sizing, materials, and workmanship prescribed by the director. Failure to meet standards shall be grounds for refusal of acceptance. Service connections will not be made until the system is approved and accepted. (Ord No. 55-77)

72.019. Inspection, Approval, Etc., of Construction. Reasonable notice shall be given to the director to inspect and test all work in connection with the construction of water mains by private contractors. Mains shall meet construction standards, leakage tests, and bacteriological tests prior to acceptance. (Ord No. 55-77)

72.030. Connections and Tampering With Pipes. Connections to water distribution mains for the purpose of extending such lines or for providing water service shall be made only by employees of the department in the normal performance of their duties. It shall be unlawful for any person to attach to or to detach from any water main or connection through which water is supplied by the city from the municipal water system, or to interfere in any manner or tamper with such pipes or connections,

without having first obtained the written consent of the department. (Ord No. 3149; Ord No. 55-77)

72.040. Unlawful to Operate Valves and Appurtenances. It shall be unlawful for any person, other than an employee of the department in the normal performance of their duties, to operate valves and appurtenances connected with the municipal water system. In addition, fire hydrants may be operated by personnel of the fire department in performance of their regular duties. Fire hydrants shall not be used for purposes other than fire-fighting, flushing mains, and filling street cleaning and similar equipment, unless application for service has been made and a meter set to measure water used for private purposes, as provided in SRC 72.143. Operation of fire hydrants by use of any wrench other than the standard fire hydrant wrench designed for that purpose is prohibited. (Ord No. 3149; Ord No. 55-77)

72.045. Public Fire Protection. Consistent with its primary purpose of providing adequate potable water for residential, commercial, and industrial use, the water distribution system shall be designed to provide public fire protection by means of fire hydrants located as directed by the chief of the fire department. Fire hydrants shall be installed and maintained at the expense of the fire department, except that hydrants in new subdivisions shall be paid for by the developer. The main system shall be designed insofar as possible to provide fire flows recommended by the Insurance Services Office. All mains, constructed or reconstructed, upon which fire protection depends shall be a minimum of six inches in diameter and wherever possible shall be looped to provide flow from two or more directions. (Ord No. 55-77)

72.060. Contamination.

(a) It shall be unlawful for any person to in any way contaminate or pollute the water in the reservoirs or pipes of the municipal water system or in any fountain, hydrant, or source or place of storage of the water supply of the city or any of its inhabitants.

(b) It shall be unlawful for any person to throw any rubbish, debris, or any other thing into any water reservoir belonging to the city. (Ord No. 3149; Ord No. 3383; Ord No. 55-77)

72.065. Special Contracts. Notwithstanding the provisions of this Code, the council may at its discretion, enter into special contracts to sell water at other than the water rates established by this Code in situations where special considerations exist justifying charges other than regular rates. (Ord No. 55-77; Ord No. 51-96)

72.067. Extension of Water Main by Developer. As an alternative to the city constructing an extension to the municipal water system, the director may, under conditions specified in SRC 72.069 to 72.086, permit a developer to make such an extension. (Ord No. 30-80; Ord No. 44-94; Ord No. 117-94; Ord No. 91-99)

72.069. Filing for Preliminary Consent. Preliminarily, the developer shall file with the director a request to construct a water main extension, setting forth generally the proposed size and location of the water main and the purpose for which it is to be constructed. After receiving consent from the director that the proposed extension may be constructed by developer under the terms of this chapter, developer may proceed within six months of the consent to file an application with the director as provided in SRC 72.072. If the director determines that such request is not in the best interest of the city, he shall withhold such consent and his decision shall be final on the matter. (Ord No. 30-80)

72.072. Application by Developer. A developer who has received the director's consent to construct an extension to the municipal water system and desires to proceed therewith, shall make application with the director, which application shall provide the following information:

- (a) Detailed plans and specifications conforming to adopted standards of the city;
- (b) Cost estimates for the project, certified to by a professional engineer;
- (c) Legal description and property owners' names and addresses of all property that would be benefitted by the project;
- (d) Name of the contractor who shall be doing the extension project;
- (e) Such other information the director deems necessary to the approval of the project. (Ord No. 30-80)

72.074. Approval by Director. Upon approval of the application by director and execution of an improvement agreement, developer may proceed with the water main extension in accordance with the approved plans and specifications. Developer shall notify director when construction commences and the construction shall be completed within one year of the day of the approval. All permits required under city and state law shall be obtained by developer or his contractor. (Ord No. 30-80; Ord No. 30-97)

72.076. Filing Statement of Cost by Developer. Upon completion of the water main extension project, developer shall file with director an itemized cost statement thereof. If the total cost shown on said statement exceeds the approved engineer's estimate, the director may approve the overage for the purposes of calculating front foot costs if he is satisfied the overage was due to conditions not readily foreseen at the time of the construction. Any costs of developer attributed to water mains in excess of eight inches shall not be considered in arriving at total cost figures. (Ord No. 30-80)

72.078. Apportioning the Cost of the Extension Project.

- (a) When the total cost of the project has been filed with the director, the director shall calculate the pro-rata share of the cost for each property benefitted and shall file same in the director's office and in the office of the director of finance. No owner of property benefitted shall be permitted to connect to the water main extension without first paying or arranging to pay the pro-rata share of the cost.
- (b) The pro-rata share of the cost determined under subsection (a) of this section shall be annually adjusted (indexed) for inflation using the Engineering News Record (ENR) index approved by Council for the systems development charge methodology. (Ord No. 30-80; Ord No. 29-82; Ord No. 117-94; Ord No. 48-99)

72.082. Ordinance Declaring Costs: Notice to Property Owners. When the cost of making the water main extension has been ascertained and determined and the proportionate share thereof is apportioned to each lot, part of lot, or parcel of land as provided in this chapter, the council shall declare the same by ordinance and include a statement, that the declared costs shall be indexed and may increase as determined by the Engineering News Record index, and direct the director of finance to enter a statement thereof in an appropriate ledger of the office of the director of finance. Upon passage of said ordinance, the director of finance shall notify by mail each affected property owner of the owner's apportioned share of the cost and that said sum shall be required to be paid if the property is connected to the municipal water system. (Ord No. 30-80; Ord No. 117-94; Ord No. 51-96; Ord No. 48-99)

72.084. Payment of Connection Fees. Except as provided in SRC 72.086(c), any owner of property required to make payment to the city before connecting to the municipal water system pursuant to SRC 72.082 shall not have the right and privilege to make such payments in semi-annual installments over a period of ten years. (Ord No. 30-80; Ord No. 29-82; Ord No. 30-97)

72.086. Reimbursement of Developer. Reimbursement to any person constructing a qualified public

improvement shall be as provided in SRC Chapter 66. (Ord No. 30-80; Ord No. 29-82; Ord No. 117-94; Ord No. 30-97; Ord No. 96-98; Ord No. 91-99)

72.089. Sizing of Service Lines and Meters. The size of the service line and meter shall generally be at the option of the user. The director shall insure that the size of the connection requested is reasonable for the use intended and is within the capabilities of the distribution system without diminishing the quality of service to other users in the vicinity. Minimum size of connection shall be three-quarters of an inch inside diameter. The size of meter shall not exceed the size of service line. (Ord No. 55-77)

72.091. Meters Owned by City. All water meters shall be owned and maintained by the department. Meters may be tested, repaired, relocated, and interchanged as required without regard to who paid the initial cost of the meter and installation so long as the property continues to be supplied through a meter adequate for its needs. (Ord No. 55-77)

72.093. Users Individually Metered. Each premise served shall be individually metered. Service to more than one user, or multiple meters for the same user, shall not be combined for the purpose of obtaining a more favorable water rate. Multiple housing complexes, condominiums, mobile home parks, and similar users may be served through master meters if under common ownership or homeowners association. (Ord No. 55-77)

72.095. Meter Accuracy. All meters used to measure quantities of water for determining charges shall be maintained in such condition as to register within an accuracy of plus or minus 2 percent the amount of water passing through the meter. Meters used and accuracy of registration shall conform to standards set by the American Water Works Association. If a meter is found upon test to register water used with an error greater than 2 percent, billings shall be adjusted to correct the error for a period not exceeding six months. (Ord No. 55-77)

72.097. Change in Meter Size. Size of the meter serving a premise may be changed at the request of the user upon payment of the estimated cost of making the change. Increase in size will require increase in the size of the service line in most cases. Meter size will not be changed for any premise more frequently than once per year. Meter size shall determine the minimum charge. (Ord No. 55-77)

72.099. Access to Premises. Employees of the department shall have access, upon proper identification, to all premises at which city water is being used for the purpose of determining that no hazard exists to the public water supply as a result of the manner in which the water is being used. Such access shall be at reasonable hours and shall not interfere with the customer's normal use of his premises. (Ord No. 55-77)

72.101. User Responsible for Damage to Facilities. Each user of water shall so protect his facilities that hot water cannot be returned to the water mains. Meters and pipelines damaged by hot water will be repaired at the expense of the user. (Ord No. 55-77)

72.103. Private Booster Pumps Prohibited. No booster pumps shall be installed by the user for the purpose of increasing water pressure or delivery without the express written permission of the director. (Ord No. 55-77)

72.105. Interruption of Service, Notification. Wherever practicable, users will be notified in advance of any planned interruption of service or shutdown of mains for repair or alterations. The city assumes no responsibility for providing uninterrupted water service and will not be liable for damages resulting from such interruptions. (Ord No. 55-77)

72.107. Plumbing to be Kept in Repair. It shall be the responsibility of the user to keep his piping and fixtures in good repair to prevent damage to premises and waste of water. The city shall not be responsible for damage to property resulting from turning on or continuing water service to premises having defective plumbing. (Ord No. 55-77)

72.109. Electrical Grounding. The city shall not be responsible for the use of its water distribution system for grounding of electrical circuits. Use of nonmetallic materials in mains and service lines precludes reliance on the water system for electrical grounding. (Ord No. 55-77)

72.111. Temporary Service Connections.

(a) In certain instances where, in the judgment of the director, construction of a water main to serve a given piece of property is not advisable or feasible, water service may be provided by a temporary connection to some other main, pending construction of a permanent main to serve the property.

(b) The applicant shall be required to pay a connection fee in lieu of assessment as provided by SRC 21.340, SDC fees as provided by SRC 41.110, and meter installation fees as prescribed by resolution of the council prior to permit issuance. (Ord No. 55-77; Ord No. 53-87; Ord No. 30-97)

72.113. Abandonment of Service Lines and Water Mains.

(a) The director may cause the removal or abandonment of any unused service lines when its further need is not apparent and when in his judgment removal is appropriate to reduce leakage or future maintenance responsibility. Subsequent service to the property shall be treated as a new service as provided in SRC 72.145.

(b) Within ninety days of written notice customers shall connect at their expense to the new meter location provided at the customer's property line where a new water main is constructed to serve the property and there is an abandonment of the existing water main. (Ord No. 55-77; Ord No. 109-82)

72.115. Installation of Temporary Water Pump Stations.

(a) In certain instances where, in the judgment of the director, it is not practicable to provide adequate water flows to any area through the use of traditional water service methods, the city may, at the option of the director, elect to serve said area through the installation and operation of a temporary water pump station by the city.

(b) As used in SRC 72.115 and 72.116, unless the context otherwise requires, a "temporary water pump station," or "temporary pump station" shall mean any self-contained pump station designed, constructed, and installed with the intent of future relocation. (Ord No. 213-78)

72.135. Irrigation and Nonsewer Accounts. Water service connections used solely for irrigation or for other uses which do not discharge water to a sanitary sewer may be billed for water service only, without payment of a sewer service charge. Seasonal irrigation accounts after each time opened will be billed for a minimum period of five months. (Ord No. 55-77)

72.137. Water Not to be Resold. Except for water districts, associations, or municipalities engaged in the business of distributing water, water supplied from the water system shall not be resold by the user to other persons. Specific agreements shall exist with each of the water districts, associations, or municipalities authorizing the resale of water. (Ord No. 55-77)

72.139. Meters Billed Individually. Except where multiple meters have been installed for the convenience of the department, each metered service will be billed separately where more than one

meter serves an individual premise or user. Meter readings will not be combined for the purpose of obtaining a lower billing. (Ord No. 55-77)

72.143. Water Supplied Through Fire Hydrants. Where water service of a temporary nature can be supplied through a fire hydrant connection without jeopardizing service to other users or interfering with fire protection all such water use shall be metered. The charges for this service shall be as prescribed by resolution of the council. The user will be billed for costs incurred with repairing damaged meters and fire hydrants. (Ord No. 55-77; Ord No. 163-81; Ord No. 46-92; Ord No. 51-96)

72.145. Charges for Service Connections.

- (a) A charge will be made for each premise not previously served with water for the cost of labor and materials of providing the main tap, service line, and meter installation, as prescribed by resolution of the council.
- (b) Cost of the meter will be paid by the user for all meters and they become property of the city. Cost of any nonrevenue producing meter installed for city-owned facilities will be paid by the using department.
- (c) Where service lines have been previously installed by the developer to the user's side of the street, connection charges for 3/4" and one-inch meters shall be the current "drop-in" rate as prescribed by resolution of the council.
- (d) Where the service connection involves the tapping or chlorination of a water main four inches or larger the charge shall be as prescribed by resolution of the council. In formulating such charges, the following stipulations shall apply:
 - (1) Contractor to excavate, provide shoring, or other precautions necessary to provide trench and work area safety, lower and raise any required equipment, backfill, and patch cut. Any delays in tapping due to the contractor's failure to prepare the work site will accrue against the tapping cost and may cause adjustment of the fee.
 - (2) The director of public works is permitted to make an estimate and require a deposit for the tapping and chlorination of water mains larger than 12 inches in diameter. (Ord No. 55-77; Ord No. 131-79; Ord No. 148-81; Ord No. 80-85; Ord No. 51-91; Ord No. 46-92; Ord No. 51-96; Ord No. 30-97)

72.150. Definitions. As used in SRC 72.150 to 72.210 unless the context indicates otherwise, the following definitions shall apply:

- (a) Air gap separation means the physical vertical separation between the free flowing discharge end of a potable water supply pipe line and the open or nonpressure receiving vessel.
- (b) Approved backflow prevention assembly means an assembly which has been approved by the State of Oregon Department of Human Resources, Health Division, for preventing backflow.
- (c) Atmospheric vacuum breaker (AVB) - also known as syphon breaker - means a mechanical device consisting of a valve member opening to the atmosphere when the pressure in the line drops to atmospheric and shall be an approved backflow prevention assembly.
- (d) Auxiliary water supply means any supply of water used to augment the supply obtained through the city water system which serves the premises in question.
- (e) Backflow means the flow of water or other fluids in the direction opposite to the normal flow.
- (f) Check valve means a valve that permits flow in only one direction.
- (g) Contaminant means any physical, chemical, biological, or radiological substance or matter in water which may render the water nonpotable, as per the Oregon statutes.
- (h) Cross-connection means any link or channel between the piping which carries potable

drinking water and the piping or fixtures which carry or contains nonpotable water or other substances.

(i) Customer system means all plumbing, piping, and appurtenances on the customer's side of the point of metering or connection.

(j) Double check valve assembly (DC) means an assembly of two independently acting check valves with shutoff valves on each side of the check valve assembly and test ports for checking the water tightness of each check valve and shall be an approved backflow prevention assembly.

(k) Double check detector check valve assembly (DDC) means double check valve assembly with an approved meter and double check valve assembly bypassing the main line assembly for the purpose of measuring low or proportional flow. Main line assembly shall have a higher head loss than the bypass and shall be an approved backflow prevention assembly.

(l) Facility survey means an on-site review of the water source, facilities, equipment, operation, and maintenance for the purpose of evaluating the hazards to the drinking water supply.

(m) Pressure vacuum breaker assembly (PVB) means a mechanical device consisting of one spring loaded check valves in the supply line and a spring loaded air inlet on the downstream side of the check valve(s) which will open to atmosphere when the pressure in the device drops below one pound per square inch. The complete assembly consists of two shut-off valves and two test ports for checking water tightness of the check valve. The Assembly shall be an approved backflow prevention assembly.

(n) Private or public water distribution system are "public water system" as defined by the Oregon Administrative Rules 333-61-020.

(o) Reduced pressure principle backflow prevention assembly (RP) means a device for preventing backflow incorporating two check valves, a differential relief valve located between the two valves and two shutoff valves, one on each side of the assembly, test ports for checking the water tightness of the check valves and the operation of the relief valve. The Assembly shall be an approved backflow prevention assembly.

(p) Reduced pressure principle detector assembly (RPD) means a reduced pressure principle backflow prevention assembly with an approved meter and reduced pressure principle backflow prevention assembly bypassing the main line assembly for the purpose of measuring low or proportional flow. Assembly shall be an approved backflow prevention assembly.

(q) Safe drinking water (potable water) means water which has sufficiently low concentrations of microbiological, inorganic chemical, organic chemical, radiological, or physical substances so that individuals drinking such water at normal levels of consumption will not be exposed to disease organisms or other substances which may produce harmful physiological effects.

(r) Secondary contaminant means those contaminants which at the levels generally found in drinking water do not present an unreasonable risk to health, but do:

- (1) Have adverse effects of the taste, odor, and color of water; and/or
- (2) Produce undesirable staining of plumbing fixtures; and/or
- (3) Interfere with the public water supply.

(s) Service connection means the point of delivery (water meter) at or near the property line. (Ord No. 55-77; Ord No. 1-86; Ord No. 30-97)

72.160. Customer System Open for Inspection. The customer system shall be open for inspection to perform a facility survey at all reasonable times to the director to determine whether cross connections or other structural or sanitary hazards including violations of these regulations exist. The director or any police officer shall have the power to enter any premises or building, for the purpose of enforcing the regulations contained in this section, and it shall be unlawful for any person in charge of any such

premises or building to refuse such entrance. (Ord No. 55-77; Ord No. 1-86; Ord No. 30-97)

72.170. Backflow Prevention Requirements.

(a) Backflow prevention assembly(s) shall be installed on each service line of the customer's system at or near the property line or immediately inside the building being served before the hazard, but in all cases, before the first crossing or branch line leading off the service line wherever the following conditions exist:

- (1) There is an auxiliary water supply which is or can be connected to the potable water piping.
- (2) Where there is piping for conveying liquids other than potable water and where that piping is installed and operated in a manner which could cause a cross connection.
- (3) There are cross-connections or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connections exist.
- (4) In the case where there has been a history of repeating the same or similar cross connection or a backflow even though these have been removed or disconnected.
- (5) Where there is a building over three stories in height or any plumbing system that is greater than or equal to thirty feet above the city main from which it is served. Residential homes excluded.
- (6) Where there is backflow or back siphonage potential.
- (7) Where the system is not open for inspection.
- (8) Where the system is subject to being submerged by hazardous or objectionable substance.
- (9) Where there are containers or fixtures containing hazardous or objectionable substances which could backflow into the drinking water system.

(b) The type of protective device required under subsection (a) shall be commensurate with the degree of hazard which exists as follows:

- (1) An approved air gap of at least twice the inside diameter, but not less than one inch, of the incoming supply line measured vertically above the top rim of the vessel or an approved RPD assembly shall be installed where the substance which could backflow is a contaminant or hazardous to health. Examples of premises where these conditions may exist include sewage treatment plants, pump stations, sewage piping, chemical manufacturing plants, hospitals, mortuaries, plating plants, car washes, medical clinics, and auxiliary water systems.
- (2) An approved DC assembly shall be installed where the substance which could backflow is a secondary contaminant.
- (3) An approved PVB assembly or an AVB shall be installed where the substance which could backflow is objectionable but does not pose an unreasonable risk to health and where there is no possibility of back pressure in the downstream piping. A shutoff or control valve shall not be installed downstream of an AVB. AVB shall not be under continuous pressure for durations of 12 hours or longer.
- (4) In the case of irrigation systems and with the approval of the director, an AVB, an approved PVB assembly or an approved DC assembly may be permitted, provided no chemical or material injection or mixing exist.
- (5) In the case of all private fire services, an approved backflow prevention assembly shall be installed at property line to city construction specifications. A monitoring meter or detection system to detect unauthorized use or leakage within the system is required. The type of backflow prevention assembly shall be as follows:
 - (A) An approved DDC assembly shall be required except as specified in subparagraphs B. and C. of this paragraph.

(B) An approved RPD assembly shall be required for systems with auxiliary water supplies, chemical additives, or contaminant(s).

(C) Fire sprinkler systems which are served by a domestic water supply within a building may be exempt from backflow prevention assembly requirements if all of the following conditions are met:

- (1) A regularly used fixture (i.e., water closet) is installed at the end of the system (excluding hose bibs).
- (2) No chemicals are added to the water or system.
- (3) No auxiliary water system is interconnected.
- (4) No dead-end runs in system.
- (5) All materials, construction, and sizing conform to plumbing code regulations for potable water systems.
- (6) No fire department connection.

(c) In the case of private or public water distribution systems connected to or served by the city, an approved and progressive cross-connection control program shall exist, with quarterly reports on activities to the city; or an approved reduced pressure backflow prevention assembly shall be required at the connection point.

(d) All installations shall be protected from damage caused by freezing, vandals, or other sources. (Ord No. 55-77; Ord No. 1-86; Ord No. 30-97)

72.180. Protective Devices to Have Approval of Director. All backflow prevention assemblies required herein shall be of a type and model approved by the State of Oregon Department of Human Resources, Health Division. (Ord No. 55-77; Ord No. 1-86; Ord No. 30-97)

72.190. Owner's Duty for Inspection. It shall be the duty of the owner of any premise where backflow prevention assembly(s) are installed to have the assembly tested and certified as working immediately upon installation and at least once a year, or more often in those instances where successive inspections indicate repeated failure. The frequency of these tests or the replacement of the assembly(s) because of repeated failure is at the discretion of the director. Oregon, Department of Human Resources, Health Division. Test and repair or replacement shall be performed within 30 days from receipt of notice to test. The owner is required to contact a tester who can perform the work in the necessary time period. It shall be the duty of the director to see that these tests and repairs are made. The tester or owner shall notify the director a minimum of 48 hours in advance when the test is to be performed, so that he may witness the test if he so desires. Records of such tests, repairs, and overhaul shall be kept and a copy submitted to the director within the 30-day time period. (Ord No. 55-77; Ord No. 1-86; Ord No. 30-97)

72.200. Previously Installed Backflow Assemblies Excluded From Requirements. Backflow prevention assemblies installed before the effective date of SRC 72.150 to 72.210 which were approved at the time they were installed but are not on the current list of approved assemblies, shall be permitted to remain in service provided they are properly maintained, are commensurate with the degree of hazard, are tested at least annually, and perform satisfactorily. When assemblies of this type are moved, or require more than minimum maintenance, they shall be replaced with an approved assembly. (Ord No. 55-77; Ord No. 1-86; Ord No. 30-97)

72.210. Water Service Denied Upon Failure to Meet Requirements. The director shall cause the water service to the premises to be discontinued or denied by a physical break in the service until the customer has corrected the following condition as required in SRC 72.150 to SRC 72.210.

- (a) Immediately, in the case of extreme emergency, or where a reduced pressure principle backflow device or airgap system is required, or where an immediate threat to life or public

health is found to exist.

(b) In other cases after a reasonable length of time allowed as determined by the director, the test, repairs and/or replacement of devices, or any other requirement within these regulations are not performed. (Ord No. 55-77; Ord No. 1-86; Ord No. 30-97)

72.220. Service Beyond Corporate Limits.

(a) Except as otherwise provided in this section, any person owning property outside the limits of the city and adjacent to a city water main who desires a connection thereto may make application to the council for permission to connect. Such application shall describe the property to be served, the quantity of water needed and the use to which it will be put, together with such other information as may be requested by the director of public works. The application shall be accompanied by a properly executed petition and consent for annexation to the city of the property described in the application.

(b) The council shall consider the application and may either grant or reject the same, and if it be granted, the same shall constitute an agreement by the applicant to abide by all the terms of this section and all the rules, rates, and regulations prescribed by the council by resolution or otherwise.

(c) Prior to being issued a permit to connect to a city water main, the applicant shall pay to the city a connection fee equivalent to an average of the current cost experienced for installing a six or eight-inch water main. If the property requires a quantity of water greater than supplied by an eight-inch main, the cost of a main large enough to supply said property's needs shall be used in computing the connection fee.

(d) Where required by state law, application shall be referred to the Marion-Polk Local Government Boundary Commission for their approval.

(e) Any person owning property within what is commonly known as the Jan Ree Gardens Water Service Area who desires water service from the city, shall make application to the director of public works. The director may authorize connection to the city water system if applicant meets all requirements Council Policy S-1 and pays all fees prescribed by resolution. (Ord No. 186-78; Ord No. 51-96; Ord No. 30-97)

72.230. Water Conservation Incentive Program. The overall interests of the city are best served by encouraging residential, commercial, industrial and institutional water conservation. The city shall administer a grant program where the city will reimburse approved applicants up to 50 percent of allowable costs for the engineering and construction of systems designed to decrease water consumption. This incentive program shall be administered by the director with the objective of awarding city grants for cost effective methods of reducing water consumption. The director shall develop and publish administrative procedures for submitting grant proposals and evaluating grants. Individual or categorical grant awards will be made by the council. (Ord No. 21-93; Ord No. 51-96)

72.240. Water Waste Prohibited.

(a) It is unlawful to allow waste of City water by knowingly or negligently causing, authorizing or permitting such water to escape from its intended beneficial use into any river, creek, natural watercourse, depression, lake, reservoir, storm sewer, street, highway, road, or ditch.

(b) For the purpose of this section: (1) "waste" means the use of water in excess of the reasonable volume necessary to meet the beneficial use; and (2) "beneficial use" means the reasonable efficient use of water. (Ord No. 33-95)

72.250. Water Curtailment Authority.

(a) When the director determines that a critical water supply shortage threatens the ability of

the City to deliver essential water to its customers, the director may activate emergency measures in compliance with the entitled "Water Curtailment Plan" adopted by the council on March 27, 1995, and on file with the City Recorder.

- (b) Upon declaration of a stage three critical water supply shortage by the director:
- (1) No watering or irrigating of lawns, grass or turf shall occur unless it is:
 - (A) New lawn, grass, or turf that has been seeded or sodded after March 1 of the calendar year in which any restrictions are imposed, and in such cases it may be watered as necessary until established;
 - (B) Athletic fields frequently used for organized play;
 - (C) Golf course tees and greens; and,
 - (D) Park and recreation areas of a particular significance and value to the community as approved by the City Manager.
 - (2) No use of City supplied water shall be allowed to clean, fill or maintain levels in decorative fountains.
 - (3) No use of City supplied water shall be allowed to fill swimming pools or other pools with a capacity in excess of 100 gallons, provided, however, that water may be added to swimming pools to replace volume lost due to evaporation and normal loss due to usage.
 - (4) No use of City supplied water shall be allowed to wash sidewalks, walkways, streets, driveways, parking lots, or other hard surfaced areas except where necessary for public health or safety.
 - (5) No use of City supplied water shall be allowed to wash vehicles. (Ord No. 33-95; Ord No. 17-96; Ord No. 51-96)

72.260. Withholding of Service. In the event that a citation is issued during the period of activated emergency measures for a violation of SRC 72.240 or SRC 72.250, and the director determines that a second violation has occurred after the date of the citation and during the same emergency curtailment period, the director may:

- (a) Install a flow restrictor on the street side of the water meter; or
- (b) Terminate water service. (Ord No. 33-95)

72.990. Violations.

- (a) Violation of SRC 72.060 is a misdemeanor.
- (b) Violation of any other provision of this chapter is an infraction. (Ord No. 193-79)