

ORDINANCE NO. 1283

AN ORDINANCE ADOPTING CHANGES TO PRINEVILLE CODE CHAPTER 52

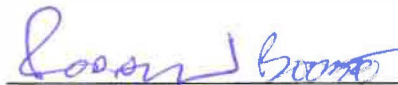
Whereas, the City of Prineville Municipal Code Chapter 52 governing water was adopted through Ordinance 1153 on June 10, 2008; and

Whereas, certain polices, practices, and operations of the water system have necessitated an update to Chapter 52.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF PRINEVILLE DO ORDAIN AS FOLLOWS:

1. The Prineville City Council hereby amends Chapter 52 as set forth on Exhibit A, attached hereto and incorporated herein.
2. The Ordinance shall be effective 30 days following its passage by the City Council.

Presented for the first time at a regular meeting of the City Council held on March 28, 2023, and the City Council finally enacted foregoing ordinance this 14th day of April, 2023.



Rodney J. Bebee, Mayor

ATTEST:



Lisa Morgan, City Recorder

CHAPTER 52: WATER

Section

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52.001 RULES AND REGULATIONS.

This chapter shall be known as "Rates, Rules and Regulations for the operation of the Water system of the City of Prineville, Crook County," and may be so cited and pleaded. The City and all customers receiving water service from the City, whether inside or outside the city limits, are bound by this chapter.

52.002 DEFINITIONS AND GENERAL TERMS.

APPLICANT. The person or persons, firm or corporation making application for water service from the City under the terms of this chapter.

CITY. The legally constituted municipal government of the City of Prineville, Crook County, Oregon.

CITY COUNCIL. The legally elected group of members composing the City Council, including the Mayor of the City of Prineville, Oregon.

CROSS CONNECTION. Any physical connection between the City's water system and another source.

CUSTOMER or USER. An applicant who has been accepted under the terms of these regulations and who receives or received water service from the City.

CUSTOMER SERVICE LINE. The part of the water system, primarily on the customer's property that is owned and maintained by the customer and connects the service connection to the customer's water distribution system.

“DISCONNECT”. Removal of a water meter from the service connection part of the city’s water distribution system serving a customer.

IRRIGATION. Defined as watering trees, lawns, soil, bushes, flowers, plants or other vegetation by any means, including but not limited to sprinklers, handheld hoses or ditches.

OWNER OF RECORD. The person(s) or legal entity as shown on the last available complete Crook County tax assessment rolls or deed records. “Property owner” or “owner” shall be equivalent terms for “Owner of Record”.

PUBLIC WORKS DIRECTOR. The Public Works Director of the city, or authorized deputy, agent, or representative.

SERVICE CONNECTION. The part of the water distribution system which connects the service line to the customer service line and shall normally consist of a corporation (corp) stop, service pipe, curb stop and box, meter, meter yoke and meter box.

SERVICE LINE. The part of the water distribution system owned and maintain by the City that connects the service connection to the water main and shall normally consist of a saddle, connection stop, and water line.

STANDARDS and SPECIFICATIONS. A City document adopted by resolution of the City Council and any amendments thereof, which sets forth the minimum standards for Public Works improvements within the Urban Growth Boundary of the City.

SUSPENSION. The stoppage by the city of water service to a customer who is receiving water service from the city.

WATER SYSTEM. All facilities, functions and components that make up the City’s water system.

52.003 SERVICE AREA.

The area served by the City shall be all that area included within the corporate limits of the City of Prineville and such other contiguous and neighboring territory as the City Council shall from time to time deem necessary to serve.

52.004 DESCRIPTION OF SERVICE.

(A) *Supply.* The City will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid so far as reasonably possible any shortage or interruption in delivery. The City shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the City for improvements and repairs will be necessary. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.

(B) *Quality.* The City will exercise reasonable diligence to supply safe and potable water at all times.

(C) *Ownership of system.* All water mains, service connections, service lines, valves, fittings, hydrants and other components, except customer service lines, shall be the property of the City.

(D) *Special contracts.* When the applicant's requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment or capacity, the City, by authorization of the City Council, reserves the right to enter into a special contract with the applicant, the provisions of which may be different than the provisions set out in this chapter. This special contract shall be in writing, signed by the applicant and approved by the City Council and City Attorney and signed by the Mayor and City Recorder of the City of Prineville.

(E) *Resale of water.* Resale of water shall be permitted only under special contract, in writing, between the City Council and the persons, parties or corporation selling the water.

(F) *Service preference.* In case of shortage of supply, the City reserves the right to give preference in the furnishing of water service to customers and interests of the City from the standing of public convenience or necessity. Water service to users outside the city limits shall at all times be subject to the prior and superior rights of the customers within the city limits.

52.005 APPLICATION FOR WATER SERVICE.

(A) *Application.* Each customer for water service shall make application for water service as prescribed by the City giving such information as the date of the application, location of property to be served, the date applicant desires service to begin, purpose for which service is to be used, the address for mailing of the billings, the class and the size of the meter service and such other information as the City may reasonably require. By making a connection and/or using the water system, the owner or customer agrees to abide by the rules and regulations of the City. The application is merely a request for service and does not bind the City to serve the property.

(B) *Deposits and establishment of credit.* At the time application for water service is made, the applicant shall establish their credit with the City.

(1) *Establishment of credit.* The credit of the applicant shall be deemed established:

- (a) If the applicant is the owner of record and has no prior history of delinquency.
- (b) If the applicant makes a deposit with the City to secure the payment of bills for water service. The deposit amount shall be set in accordance with the City's fee schedule, adopted by resolution of the City Council.
- (c) Should the applicant have a history of delinquency in payment of their water and/or sewer bills, as determined by the city, and be requesting a new water account, service may be denied until all delinquent water and/or sewer bills and fees are paid in full.

(2) *Deposits.* At the time the deposit is given to the City, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded to the service account holder. Following 12 consecutive non-delinquent payments for water service, the deposit will be refunded as a credit to the customer's account.

(3) If an account becomes delinquent and the water service is suspended to a property, all outstanding balances including fees associated with the suspension of service shall be paid prior to the water service to the property being reinstated. Insufficient deposit amounts will be increased in compliance with current fee schedule adopted by resolution of the City Council.

(C) *Application of amendments.* Customers desiring a material change in the size, character or extent of equipment or operation which would result in material change in the amount of water used shall give the City written notice of such change prior to the change and the application for service shall be amended. Customers desiring a change in the size, location or number of services shall fill out an amended application.

52.006 SYSTEM EXPANSION.

(A) *Standards and costs.* All costs and expenses incident to the associated expansion of the water system, and the ultimate installation and connection to the system shall be borne by the property owner, and shall be in accordance with City standards and specifications. If the City is requested to make the connection to the water system, the costs shall include engineering, construction management, excavation, installation, materials, backfill, street repair and related overheads. Before construction commences the applicant shall place on deposit with the City the necessary funds, or security acceptable to the City, as estimated by the City, for the completion of the project. Within 30 days after completion of the project the property owner will pay or the City will return to the property owner any difference in the actual cost of the project and the estimated cost for which the deposit was made.

(B) *Location.* The City will allow water system expansions only within rights-of-way, easements or publicly owned property. Easements secured for main extensions shall be obtained in the name of the City of Prineville along with all rights and title to the main at the time the service is provided to the customers paying for the extension.

52.007 SERVICE.

(A) *Ownership and maintenance.*

The City shall own and maintain all service lines and service connections.

Each property owner of record shall own and maintain the customer service line servicing their property.

(B) *Service connection charge.* At the time the applicant applies for a service where there is currently no service, or applies for a change in meter size, service line size or location, the applicant shall submit with their application any applicable service connection charge and system development charge. The charges shall be set in accordance with the City's fee schedule, adopted by resolution of the City Council.

(C) *Service connection.* Shall be placed at the right-of-way line near the property corner of the property to be served and where the service line is perpendicular to the main line. Notwithstanding, upon written request a service connection may be placed elsewhere pursuant to City approval. Service connections shall not be located in driveways or other locations where damage to the meter or its related parts may occur.

(D) *Joint service lines.* The City may, at its option, serve two or more properties with one service line, provided they are metered separately. The service line shall have sufficient carrying capacity equal to or greater than the combined capacity of individual service lines necessary for the use.

(E) *Number of service line connections.* The owner of a single parcel of property may apply for and receive as many water services as they or their tenants may require, provided their application or applications meet the requirements of all governmental laws, policies, rules and regulations.

(F) *Standby fire protection.*

(1) *Purpose.* The City's provides a fire protection system through a network of fire hydrants within public rights-of-way as part of the City's base water service. Some developments require additional fire protection service through on-site hydrants and/or sprinkler systems. These hydrants and sprinkler systems require additional maintenance and additional water storage on "standby" to ensure proper operation when needed.

(2) *Connection.* Standby fire protection service connections shall be installed to City standards and only if adequate provisions are made to prevent the use of water from such services for purposes other than extinguishing fires. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The City may require that a suitable detector check meter be installed in the standby fire protections service connections, to which hose lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the Plumbing Code of the State of Oregon. Public hydrants installed on the customers property shall be within City approved easements for maintenance and repair. Access to such easements through the customers property is assumed and shall not be denied.

(3) *Charges for service.* Charges for standby fire protection service will be set in accordance with the City's fee schedule, adopted by resolution of the City Council. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system. The customers shall be solely responsible for the installation of the fire line, fire suppression equipment, detector checks, backflow prevention devices, vaults, and any other necessary equipment.

(4) *Violations of regulations.* If water is used from a standby fire connection service in violation of these regulations, an estimate of the amount used will be computed by the City. The customer shall pay for the water used at the regular rates, including a minimum charge based on the size of the service connection and subsequent bills rendered on the basis of regular water rates.

(G) *Fire service connections other than standby.* A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the regular rate.

(H) *Temporary service connections.* All temporary services shall be metered. The City may charge a fee for installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and materials used.

(1) *Time limit.* Temporary service connections shall be disconnected and terminated within six (6) months after installation unless an extension of time is granted in writing by the City. In the case of a development the time limit may extend to the conclusion of the project.

(2) *Charge for water served.* Charges for water furnished through a temporary service connection shall be the same as any other metered service set in accordance with the City's fee schedule, adopted by resolution of the City Council.

(3) *Responsibility for meters.* The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the City. If the meter or other facilities are damaged, the customer shall pay the cost of replacement and that cost shall be charged to the account.

(I) *Customer's plumbing.*

(1) *Plumbing code.* The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the Plumbing Code of the State of Oregon.

(2) *Control valves.* Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the property served. In the event a customer's service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this section. It shall be a violation of this chapter for the customer to operate, cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection.

52.008 METERS.

(A) *Ownership.* The City will own and maintain all water meters. The City will not pay rent or any other charge for a meter or other water facility, including housing and connections on a customer's property.

(B) *Installation.* Installation of water meters shall be performed only by authorized employees of the City. All meters shall be sealed by the City at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

(C) *The size and type of meter.* Applicant may request and pay for any size meter regularly stocked or furnished by the City. Meters not regularly stocked shall be provided by the applicant at their cost. Meter size is determined by the Plumbing code of the State of Oregon. The City reserves the right to determine the type and size of meter to be installed to adequately serve the property and use.

(D) *Location of meters.* Meters shall normally be placed at the right-of-way line near the property corner of the property to be served, at the end of the service line extending perpendicular from the main line. An existing service line shall not be altered to accommodate a different meter location unless approved by the City. If a different location is desired a new service line may be needed.

(E) *Joint use of meters.* The joining of several customers or properties to a single service shall be prohibited, except as otherwise approved by the City.

(F) *Changes in size and location.* If, for any reason, a change in the size of meter and service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be so amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

52.009 WATER RATES.

Water charges for all property whether occupied or not shall begin the day following the water meter installation date. The water rates to be charged for each class of service shall be set in accordance with the City's fee schedule, adopted by resolution of the City Council.

52.010 NOTICES.

(A) *Notices to customers.* Notices from the City to the customer shall be given in writing and either mailed to or delivered to the customer at their last known address. Where conditions warrant and in emergencies, the City may notify the customer either by phone, text or email.

(B) *Notices from customers.* Notices from customers to the City shall be given by the customer, their legal representative, or their authorized representative in writing, delivered to the City.

52.011 BILLING AND PAYMENT.

(A) *Meter readings.* Meters will be read and customers billed on the basis of the meter readings to the nearest 100 cubic feet. The City will keep an accurate account of all meter readings and such accounts so kept; shall be offered at all times, places and courts as prima facie evidence of the use of water service by the customer.

(B) *Rendering of bills.*

(1) *Billing period.* All meters shall be read and bills rendered no more frequently than on a monthly basis.

(2) *Bills for other than normal billing period.* Opening or closing bills or bills that for any other reason are less than the billing period shall be prorated.

(C) *Disputed bills.* When a customer disputes the correctness of a bill, the customer shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude suspension of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant suspension of service as provided under subsection (F) of this section. A customer has six (6) months from the date of billing to notify the city of any disputed charge. The City shall not be obligated to issue a credit for billing disputes occurring more than six (6) months prior to the date of such notification.

(D) *Failure to read meters.* In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of 30 days per month and the total water consumption for the billing purposes for that month shall be computed based upon the customer's average prior use of up to the three (3) previous bills in the same month.

(E) *Owner of record and payment of bills.*

(1) The property owner of record shall be responsible for the payment of all water charges and fees prescribed in this chapter. The responsibility for payment to the city does not pass to the tenant or other occupants, notwithstanding the fact that tenants or other occupants may be required by the property owner of record to pay the charges and fees. A new customer shall not be allowed to open an account for city services on a property until all balances owed on that property are paid in full.

(2) Each water and sewer bill rendered shall have a due date. If the bill is not paid by that date, the account shall be considered delinquent.

(3) Payments for combined water and sewer bills shall be credited to the oldest bill. When bills have the same date, payments shall be applied first to the sewer account, then any penalties and lastly to amounts owing on the water account.

(4) Unless water service has been disconnected pursuant to Section 52.013 (D). Base rates for water service and any penalties for delinquency will continue to accrue even when the meter has been turned off or removed due to delinquency or unauthorized turn-on.

(F) *Delinquent accounts.*

(1) *Delinquent notice and fees.* A notice of account delinquency will be sent to each delinquent customer on the next month's bill to that customer. Delinquent accounts shall be charged a delinquent fee (late fee) set by resolution of the City Council in order to allow for the recovery of the City's administrative costs relative to the delinquent account.

(2) *Suspension notice.* On or about fourteen (14) days after an account becomes delinquent, a suspension notice will be sent to the customer. Such suspension notice shall give not less than ten (10) days' prior notice of the City's intent to suspend water service unless the delinquent amount is paid in full by 5:00 PM on the day prior to the date of suspension. Once an account becomes eligible for suspension due to delinquency there shall be an added suspension fee as set by City resolution. If the property is rented the suspension notice will be sent to the customer and the property owner of record or designated property management company.

(3) *Suspension.* On the suspension date, the City shall deliver a written notice to the customer stating that the water service is being turned off until all current and delinquent amounts have been paid. The City shall immediately turn off the water service. A delivery of this notice to the premises, shall be considered a delivery of the notice to the customer. Base rate charges for water and sewer will continue to accrue even when the water service has been turned off for delinquency.

(4) *Restoration of service and service charge.* In all instances where water service has been suspended because of delinquency, full payment of all amounts owing for city water and sewer services must be paid in full, with verified funds, prior to restoration of services including all fees related to suspension of service. Should an account become eligible for reconnection outside regular operating hours of the City's Public Works Department, there may be an after-hours service charge assessed as set by City resolution. Change in ownership or occupancy of premises shall not be cause for reducing or eliminating any charges or amounts owed to the City.

(G) *Collection of bills.*

(1) The City may enforce the collection of rates, fees and charges for the use of the water and water facilities by any means that may be provided by the laws of the State of Oregon or permitted by the charter and ordinances of the City. All water service fees and charges shall be a lien against the premises served from and after the date of delinquency and entered in the city lien docket. The lien docket shall be made accessible for inspection by anyone interested in ascertaining the amount of charges against the property. When a bill for the water service remains unpaid 60 days after it is delinquent, the lien created thereby may be foreclosed in the manner provided for by ORS 223.610, or in any other manner provided by law or city ordinance.

(2) *Penalty fees.* In the event that it becomes necessary to certify the liens hereby established because of the nonpayment thereof, there shall be added to such charges a penalty as set by city resolution.

(H) *Refusal of service.*

(1) The city may refuse water service to any property upon which a lien has been attached until the amount owing on the lien has been paid to the city along with the service charge for the restoration of services.

(2) The city may also refuse service to a customer with an outstanding delinquent balance until said account balance is paid in full.

52.012 METER ERROR.

(A) *Meter accuracy.* All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of 2% under conditions of normal operation.

(B) *Meter test.*

(1) *Standard test.* Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.

(2) *On customer request.* A customer may, upon giving seven (7) days' notice, request the City to test the meter servicing their premises. The City will require the customer to deposit a testing fee. The deposit will be returned to the customer if the test reveals that meter to over register more than 2% under the standard test conditions. The deposit shall be retained by the City if the meter tests within the 2% limitation. Customers may, at their option, witness any meter tests which they request.

(3) *On City request.* If, upon comparison of past water usage, it appears that a meter is not registering properly, the City may, at its option, test the meter and adjust the charges accordingly. No charge for meter testing will be made to the customer for the meter test under these conditions.

(C) *Adjustment of bills for meter error.* Should a meter be found to be out of the allowable tolerance for error, or found to be not registering, the bill will be computed based upon the average consumption either upon the customer's prior use of up to 3 previous bills for the same month or upon a reasonable comparison with the use of other customers receiving the same class of service during the same month under similar circumstances and conditions.

52.013 TRANSFER & SUSPENSION OF SERVICE.

(A) *Transfer request.* Each customer about to vacate any premises supplied with City water service shall give the City notice of their intentions at least two (2) business days prior thereto, specifying the date service is to be transferred to a new customer. The owner is responsible for all water supplied to the premises if no other customer makes application for service. At the time specified by the customer the meter will be read and a bill rendered which is payable immediately.

(B) *Nonpayment of bills.* A customer's water service may be suspended if the water bills are not paid in accordance with the terms of this Chapter 52. Base rate charges will continue to accrue even when the water service has been turned off for delinquency.

(1) In the event that payment by check or Automated Clearing House (ACH) is made, and later returned by the bank unpaid to the City due to insufficient funds or for any other reason, water service will be immediately suspended, and a "returned check" fee will be added to the account. Water service will not be reinstated until all balances owing on the account are paid in full by means of cash, money order, debit or credit card transaction.

(C) *Disconnection of Service.* In the event a structure being supplied City water and/or sewer service is condemned, removed or destroyed by fire or other calamity, the owner of record must notify the City to discontinue monthly billing charges. Once the City has verified the removal or condemnation of the structure being served and confirmed that City water service is no longer unavailable to the property, the monthly billing charges will be discontinued. If the property owner of record later wishes to re-establish water service to the property, the connection & meter fees will be waived unless there is an upgrade in the meter size or type of use that would normally require additional fees or charges to be collected.

(D) *Improper customer facilities.*

(1) *Unsafe facilities.* The City may refuse to furnish water and may suspend service to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with the Plumbing Code of the State of Oregon.

(2) *Cross connections.* The Oregon State Board of Health and the U.S. Public Health Service prohibit cross connections. The City will not permit any cross connection and will suspend service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated.

(E) *Water waste.* Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the City may discontinue service if such conditions are not corrected after due notice by the City.

(F) *Service detrimental to others.* The City may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

(G) *Fraud or abuse.* The City, in its sole discretion will refuse or suspend service to any premises where it is deemed necessary to protect the City from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the City that the condition or conditions exist.

(H) *Unauthorized turn-on.* Where water service has been suspended for any reason and the water is turned on by the customer or other unauthorized person, the water meter may be locked or removed. Base rate charges will continue to accrue even when the water has been turned off for nonpayment and/or the meter removed due to unauthorized turn-on.

(I) *Noncompliance with regulations.* The City may, upon 5 days' notice, suspend service to a customer's premises for failure to comply with any of the provisions of this chapter.

52.014 RESTORATION OF SERVICE.

Restoration of service after suspension for nonpayment of bills shall be made after payment of current and past due charges plus a service charge and posting a deposit as hereinbefore provided.

Restoration of service after suspension of service for unsafe facilities, water waste, fraud, abuse or for noncompliance with any of the policies, rules or regulations will only be made after the irregularity has been corrected and the City has been assured that the irregularity will not reoccur.

52.015 UNUSUAL DEMANDS.

When an abnormally large quantity of water is desired for such things as filling swimming pools or other purposes, arrangements must be made with the city prior to taking such water. Permission to take water in unusual quantities will be given only if the City facilities and other consumers are not inconvenienced.

52.016 ACCESS TO PROPERTY.

All duly appointed employees of the City, under the direction of the Public Works Director, shall have free access at all reasonable hours of the day to any and all parts of the water system owned and maintained by the City for the purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used.

52.017 RESPONSIBILITY FOR EQUIPMENT.

(A) *Responsibility for customer equipment.* The City shall not be liable for any loss or damage of any nature whatsoever caused by any defects in the customer's line, plumbing or equipment, nor shall the City be liable for loss or damage due to interruption of service or temporary changes in pressure. The customer shall be responsible for valves on their premises being turned off when the water service is turned on.

(B) *Responsibility for City equipment.* City equipment on the customer's premises remains the property of the City and may be repaired, replaced or removed by the City employees at any time without the consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or remove City equipment on the customer's premises. The property owner must keep dogs or other animals secured or confined to avoid interference with the City operation and maintenance.

(C) *Damage to City equipment.* The customer shall be liable for any damage to equipment owned by the City which is caused by an act of the customer, their tenants, agents, employees, contractors, licensees or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damages by hot water or steam, and damaged meter boxes, curb stops, meter stops and other appurtenances.

52.018 FIRE HYDRANTS.

(A) *Operation.* No person other than those designated and authorized by the City shall open any fire hydrant belonging to the City; attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than a special hydrant wrench shall be used to operate a hydrant valve. In case where a temporary service has been granted and received water through a fire hydrant, an auxiliary valve will be provided to control the flow of water.

(B) *Moving a fire hydrant.* When a fire hydrant has been installed in the locations specified by the proper authority, the City has fulfilled its obligation. If a property owner or other party desires to change the size, type or location of the hydrant, the customer shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the City and the Fire Department.

52.019 BACKFLOW PREVENTION REQUIREMENTS.

(A) A potable water supply system shall be designed, installed, and maintained in a manner that prevents contamination from the introduction of non-potable liquids, solids, or gases into the supply through cross connections or any other piping connections to the system.

(B) An appropriate backflow prevention assembly is required on all fire line and irrigation services and all domestic services larger than one inch in size. An approved double check valve assembly shall be the minimum backflow protection for all nonresidential water service lines. The backflow assembly shall be installed as close to the right-of-way as is practical. Backflow prevention assemblies are required on domestic services two inches and smaller if the building's highest point of water use is greater than 32 feet above the water main, or if a known hazard exists on the premises of the service connection. The type of backflow prevention assembly required will be determined by the Public Works Director or their designee.

(C) Failure to comply with installation, inspection, testing and maintenance requirements for backflow prevention assembly may result in suspension of the water service.

(D) Before any assembly for the prevention of backflow or back siphonage is installed, it shall be certified by a recognized testing laboratory acceptable to the Oregon State Health Division Director. Assemblies installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system. The Public Works Director or designee may inspect such assemblies and require the replacement of any that are found to be defective or inoperative.

(E) Building premises owners shall maintain all backflow prevention assemblies and vacuum breakers within the building or on the premises in good working order and make no piping or other arrangements for the purpose of bypassing backflow prevention assemblies.

(F) All approved backflow assemblies must be tested by a certified tester when installed, and prior to use when moved, when repaired and at least annually. All costs for testing and repair of backflow assemblies shall be the responsibility of the owner or agent.

52.020 IRRIGATION.

(A) Between April 15 and October 15 of each year, users of city water for irrigation shall comply with the following restrictions:

(1) Irrigation shall be prohibited between the hours of 10:00 a.m. and 4:00 p.m.

(2) Irrigation shall be permitted following an odd/even irrigation schedule. Even house numbers may water on even-numbered dates of the month and odd house numbers may water on odd-numbered dates of the month. No watering is allowed on the thirty-first (31) day of the month.

(B) The City Manager may restrict all use of city water for irrigation purposes upon any emergency situation.

52.021 SUSPENSION OF RULES.

No employee of the City is authorized to suspend or alter any of the policies, rules and regulations cited herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy.

52.022 EASEMENT.

Each applicant and user gives and grants the City of Prineville an easement and right-of-way on and across their property for the installation of service lines and service connections and the necessary valves and equipment in connection therewith.

52.023 CONNECTION TO PUBLIC WATER REQUIRED.

The owner of all property, buildings or dwelling units used for human occupancy, employment, recreation or any other purpose situated within the city that needs or requires water service by law, shall connect to the City's water system in accordance with the provisions of this chapter, the City's Standards and Specifications, the City's Land use code and any other applicable City Ordinance. If the City's water system is not available within the abutting street, alley or through public easement, the water system may need to be extended at the owner's expense.

52.045 CRITICALLY AFFECTED AREA.

(A) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CRITICALLY AFFECTED AREA. The geographic area bounded by Dunham Street on the east, Harwood Street on the west, West 1st Street on the south and West 5th Street on the north. This area is demonstrated on a map pursuant to Ordinance 1140.

PREMISES. The integral property or area, including improvements thereon, to which water service is or will be provided.

(B) *Connection required.* All existing commercial and residential establishments, homes, buildings, lots or premises concurrently located within the boundaries of the critically affected area, which utilize water for purposes other than agriculture or irrigation, shall connect to and utilize the city water system as city water becomes available to the property. All future development within the critically affected area shall be required to connect to the City water system, even if water service is not currently near the property.

(C) *Disconnection of private supply.* Property owners in the critically affected area shall disconnect, to the satisfaction of the city or its agent, all private water supply connections at their premises except those used exclusively for agriculture and/or irrigation. Property owners shall demonstrate disconnection of these private supplies prior to connecting to the City water system.

(D) *Use of city and private water.* As required by section 52.019, use of both city water supply and a supply of water other than that furnished by the city requires installation of approved backflow prevention devices on the service connection to the premises. Customers desiring to use both the city water supply and a supply of water other than that furnished by the city within the critically affected area shall under no circumstances allow a physical connection, direct or indirect, to exist or be made in manner, even temporarily, between water lines carrying city water and any non-city water source. Where such connection is found to exist, or where provision is made to connect the two systems, the city shall shut water off to the premises without notice. In case of such discontinuance, service shall not be re-established until satisfactory proof is furnished that the cross connection has been completely and permanently severed.

52.999 PENALTIES.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$500. A violation of this section shall be considered a separate offense for each day the violation continues.