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**WATER**

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**Article 5.05**

**REGULATIONS**

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**5.05.010 Definitions.**

**5.05.010 Definitions.**

In addition to the definitions set forth in GRC 1.05.010, unless the context requires otherwise, for purposes of GRC Articles 5.05 to 5.65 the following mean:

Actual Cost. Labor, materials, equipment, construction services, and administrative overhead.

City Water System. Water reservoirs and water distribution systems owned, operated, and maintained by the city, including all city waterlines, service connections, city water meters and appurtenances.

Consumption Rates. A charge based on the amount of water used per 100 cubic feet, or a fraction of water used.

Customer. The owner, renter, or lessee of property served by the city water system.

Customer Water Usage Demand. A combination of building fire flow requirements, any internal system fire flow requirements, domestic maximum day demand, and irrigation maximum day demand.

Development. Any human-made change to improved or unimproved real property, including, but not limited to, construction, installation, or alteration of a building or other structure; condominium conversion; land division; establishment or termination of a right of access; storage on real property; tree cutting; drilling; and site alteration such as that due to land surface mining, dredging, grading, paving, excavation, or clearing.

Distribution Waterline. A waterline, exclusive of

service connections, owned by the city.

Double Check Detector Assembly. An assembly approved by both the Oregon Department of Human Services and the city which consists of two independently operating spring loaded check valves, a gate valve on each side of the checks, test cocks to test the check for tightness, a bypass meter, and a double check assembly that detects of low flows.

Fire Flow Demand. The volume of water required to fight a fire for a specified time period. The method and calculation of the rate and duration of fire flow is the responsibility of the city Fire Department.

Fire Protection Metering Device. A city approved device that detects leakage or unauthorized use of water from a private fire protection system, such as a double check detector assembly.

Metering Device. A water meter assembly or a fire protection metering device.

Parcel of Land. A lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and includes the yards and other open spaces required under the zoning, subdivision, or other development ordinance.

Potable Water. Water from any source that has been investigated by the health agency having jurisdiction and has been approved for human consumption.

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

Private Fire Protection System. (1) A privately owned fire sprinkler system with pressure or heat operated sprinkler heads; or (2) a fire hydrant service system that uses a private hydrant and fire hose connection installed on private property.

Private Waterline. A waterline located on private property and owned by the property owner. Ownership begins at the outlet end of the service connection.

Service Connection. The service waterline, fittings, valves and metering device necessary to conduct water from the distribution waterline to the private waterline, including the meter box and first fitting on the downstream side of the metering device.

Service Waterline. The waterline from the distribution waterline to the metering device.

Water System Connection Charges. All charges required to be paid to connect to the city water system. These charges include water system connection fees, service connection installation fees, and system development charges.

Water Meter. A city approved metering device that measures all water that flows through the service waterline to the customer at an accuracy level not less than the American Water Works Association approved standard.

Water Service Charge. A charge based on water meter or service waterline size, whichever is largest, for use of the city water system.

Waterline. A pipe or conduit for carrying potable water.

(Ord. No. 1822, Amended, 11/08/2021; Ord. No. 1787, Amended 11/01/2018; Ord. No. 1773, Amended, 07/01/2017; Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1561, Amended, 01/02/2003; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1507, Amended, 10/19/2000; Ord. No. 1412, Amended, 01/16/1997; Ord. No. 1379, Amended, 12/07/1995; Ord. No. 1332, Amended, 11/03/1994)

Article 5.10

CONSTRUCTION PERMITS

Sections:

- 5.10.010 [Permit Required.](#)
- 5.10.020 [Metering Device Required.](#)
- 5.10.030 [Permit Time Limitations.](#)
- 5.10.040 [Water Connection Charges.](#)
- 5.10.050 [Water Connection Fee.](#)

5.10.010 Permit Required.

(1) No person shall uncover, make any connections with or opening into, use, alter, or disturb any distribution waterline or any part of the city water system. All work on public water facilities, including water meters and service connections, are completed by authorized city water staff or city appointed contractors following issuance of all related permits, deposits and agreements.

(2) If a premises is connected to the city water system without a permit, the premises may be disconnected without notice to the owner. Any unpermitted work done will require payment of an additional charge set by council resolution. Payment of additional charges does not excuse full compliance with all provisions of this chapter or other applicable regulations.

(3) Permit applications shall be made in a manner determined by the city and shall be made by the owner or owner’s agent. The permit application shall be supplemented by plans, specifications, agreements, or other requirements as specified by the manager.

(4) A permit is specific to the property for which it is issued and is not transferable to other property.

(5) A permit shall not be issued until all charges have been paid.  
(Ord. No. 1832, Amended, 09/15/2022; Ord. No. 1822, Amended, 11/08/2021; Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1561, Amended, 01/02/2003; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1332, Amended, 11/03/1994; Ord. No. 1283, Amended, 04/27/1993)

5.10.020 Metering Device Required.

(1) All connections to the city water system must be made through an approved metering device.

(2) If a premises is connected to the city water system in a manner other than through an approved metering device, the premises may be disconnected without notice to the owner. Any connection made in a manner other than through an approved metering device will require payment of an additional charge set by council resolution.

5.10.030 Permit Time Limitations.

(1) A water system connection permit is valid for 180 days from the date the permit is issued.

(2) Upon written request by the applicant, the manager may extend the permit.

(3) A permit shall not be issued until all charges have been paid.  
(Ord. No. 1822, Amended, 11/08/2021; Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1379, Amended, 12/07/1995)

5.10.040 Water Connection Charges.

(1) Applicants for a new water system connection must pay to the city the water connection fee in addition to all applicable fees and charges.  
(Ord. No. 1822, Amended, 11/08/2021; Ord. No. 1787, Amended, 11/01/2018; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1379, Amended, 12/07/19/95; Ord. No. 1332, Amended, 11/03/1994)

5.10.050 Water Connection Fee.

Applicants applying for a new water system connection shall pay to the city fees and charges associated with water service installations. The fees shall be set by council resolution.  
(Ord. No. 1832, Amended, 09/15/2022; Ord. No. 1822, Amended, 11/08/2021; Ord. No. 1507, Amended, 10/19/2000)

Article 5.15

SERVICE CONNECTION

Sections:

- 5.15.010 [Service Connection.](#)
- 5.15.030 [Abandoned Service.](#)
- 5.15.040 [Separate Service Connection.](#)
- 5.15.050 [Extraterritorial Connection.](#)
- 5.15.060 [Service Connections and Metering Device Charges.](#)

5.15.010 Service Connection.

(1) The city shall furnish and install all service connections of the size and location the owner requests, provided that the request meets the Public Works Standards. The service connection shall be installed at a point between the curb line and the property line, or within a city right-of-way or city easement. The service connection shall be installed along the public street frontage where the property has its street address, unless otherwise approved by the manager. Multiple service connections to a premise(s) shall be laid out to follow a logical sequence of addresses, to facilitate matching of service connection to building(s). On-site waterlines shall be laid out to facilitate a logical matching of service connection to building and address.

(2) The owner shall install and keep in good condition equipment that may be required for receiving, controlling, and using water. The city shall not be responsible for maintaining the equipment or for any loss or damage caused by the improper installation of the equipment, or the negligence or wrongful act of the owner in installing, maintaining, using, operating, or interfering with the equipment.

(3) The city shall not be responsible for damage to property caused by a spigot, faucet, valve, or other equipment that is open when the water is turned on at the water meter.

(4) An owner making any material change in the size, character, or extent of the equipment or operation using city water service, or whose

change in operations results in a large increase in the use of water, shall immediately give the city written notice of the nature of the change and, if requested, obtain the required permits to upgrade their water meter and service to accommodate the increased demand.

(5) The service connection and water meter, whether located on public or private property, are the property of the city. The city reserves the right to repair, maintain, and replace them.

(6) No owner or customer may provide water service to any other person or property through the water meter without the consent of the city. (Ord. No. 1822, Amended, 11/08/2021; Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1507, Amended, 10/19/2000; Ord. No. 1440, Amended, 04/16/1998)

5.15.030 Abandoned Service.

If a service connection to a premises has been abandoned, or not used for one year, the city may disconnect the service connection at the distribution waterline or may remove the water meter. A new service connection will be installed only after the necessary permits are issued. (Ord. No. 1822, Amended, 11/08/2021;)

5.15.040 Separate Service Connection.

(1) A separate water meter is required for each property under separate ownership.

(2) A separate water meter may be required for each house or building, even if two or more houses or buildings are under one ownership or on the same lot or parcel of land.

(3) When property with water service is partitioned or subdivided, the water meter shall be considered as supplying the parcel nearest the water meter.

5.15.050 Extraterritorial Connection.

(1) Connection to the city's water system from property outside the city shall be allowed at the discretion of the city, and at the location and on such conditions as the manager finds appropriate for proper functioning and

maintenance of the city water system. No connection from property outside the city limits may be permitted that, in the opinion of the manager, may overload the city water system, or that will require any capital investment or expenditure by the city.

(2) Any person desiring to connect an outside city property to the city's water system under the provisions of this chapter shall enter into an agreement that may be required by the manager.

(3) Extraterritorial connection to the city water system shall comply with all requirements of this chapter.

(Ord. No. 1822, Amended, 11/08/2021; Ord. No. 1647, Amended, 09/20/2007)

#### **5.15.060 Service Connections and Metering Device Changes**

The manager shall approve all changes in size, type, and location of the service connections and metering devices. If any person desires a new service connection or a change in the size, type or location of an existing service connection, that person shall pay the actual cost of abandoning the existing service connection and installing the new service connection. A deposit in the amount of the estimated actual cost of abandoning the existing service connection and installing the new service connection shall be collected before the removal and installation is undertaken. All required water system connection charges shall be paid prior to installation of the new service connection or metering device.

(Ord. No. 1822, Amended, 11/08/2021; Ord. No. 1332, Enacted, 11/03/1994)

Article 5.20

WATER METERS

Sections:

- 5.20.010 [Ownership and Maintenance.](#)
- 5.20.020 [Damage to System.](#)
- 5.20.030 [Testing.](#)
- 5.20.040 [Master Metering.](#)
- 5.20.050 [Clear Area.](#)
- 5.20.060 [Control Valves.](#)
- 5.20.070 [Changes in Meter Size.](#)
- 5.20.080 [Size of Meter.](#)

5.20.010 Ownership and Maintenance.

(1) The city shall provide, own, install, maintain, repair, and replace all water meters. The owner shall pay the cost of purchasing and installing new water meters. The cost shall be set by council resolution.

(2) The city shall pay no rent or other charge for a water meter or other equipment located on the owner's property.

(3) The city may seal a water meter at the time of installation, and no seal shall be altered or broken except by authorization of the manager. (Ord. No. 1332, Amended, 11/03/1994)

5.20.020 Damage to System.

(1) The owner shall be liable for any damage to the city's water system that is caused by the owner, or the owner's tenants or agents. Damage includes, among other things, breaking or destruction of seals on or near a water meter, removing the first fitting on the downstream side of a metering device, damage resulting from electrical grounding to cold water pipes, or damage to a water meter by steam from a boiler or heater on the owner's property.

(2) If the owner is liable for damage to the city water system, the city may repair and charge the actual cost against the property served.

(3) The actual cost of repair shall be a lien against the property from the date of entry in the

customer's billing record, or other city water records.

(Ord. No. 1700, Amended, 03/003/2011; Ord. No. 1332, Amended, 11/03/1994)

5.20.030 Testing.

The owner or customer may request that the city test the water meter serving the owner's property.

(1) The owner or customer shall deposit an amount to cover the estimated cost of the test. This deposit shall be returned if the water meter is found to register outside the American Water Works Association (AWWA) standard of 95-102 percent. The amount of the deposit shall be set by council resolution. No deposit shall be required for the first test requested by the owner or customer each calendar year.

(2) The owner or customer may be present when the test is made and shall be given written advance notice of the time, date, and place of the test.

(3) A written report of the results of the test shall be available after completion of the test.

(4) Adjustment of bills for water meter error shall be made according to the provisions of GRC 5.50.050.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1332, Amended, 11/03/1994)

5.20.040 Master Metering.

The city may permit the master metering of more than one water service on a single parcel. The owner shall designate the person who will be responsible for the payment of all water charges and will accept service of all water related notices. If any payment is not made in full when due, the city may terminate service as set forth in GRC 5.99.040 even if partial payment is tendered by other occupants of the premises.

(Ord. No. 1787, Amended, 11/01/2018; Ord. No. 1700, Amended, 03/03/2011)

5.20.050 Clear Area.

(1) No person shall store or maintain any



item, material, or refuse, or install equipment over, under, or within six feet of any water meter.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1507, Amended, 10/19/2000)

(2) No person shall permit shrubs or other landscaping to obstruct the reading of any water meter. Any such obstruction may be trimmed or removed by the city and the owner may be charged for the removal costs.

(3) No person shall park a motor vehicle on public or private property so as to obstruct or prevent access to any water meter.

(4) The owner shall provide a safe passageway to the water meter when it is necessary for the city to enter upon property or to enter a building to read a water meter or work on a service connection.

(Ord. No. 1700, Amended, 03/03/2011)

#### **5.20.060 Control Valves.**

The customer shall install a suitable shut-off valve and an approved pressure reducing valve to control the entire water supply from the city as close to the owner's side of the water meter as practical. The operation by the customer of the curb stop in the meter box is prohibited.

(Ord. No. 1307, Amended, 05/05/1994)

#### **5.20.070 Changes in Meter Size.**

If the owner requests a larger or smaller service connection than is currently installed, the owner shall pay the actual cost for the removal of the existing service connection and for installing the new service connection.

#### **5.20.080 Size of Meter.**

The minimum size of any new water meter, which connects to the city water system, shall be the size specified in the Public Works Standards. The manager may reject an application for connection to the city water system if the manager concludes that the water meter size applied for is inadequate to serve the premises. The city makes no representations concerning the sufficiency of water pressure or volume to be delivered to the premises.

**Article 5.25**

**PRIVATE FIRE PROTECTION SYSTEMS**

**Sections:**

**5.25.010 Private Fire Protection System.**

**5.25.010 Private Fire Protection System.**

(1) An owner may connect a private fire protection system to the city water system if the manager determines that there is sufficient capacity in the city water system to service the premises. Prior to connection, the owner must obtain a water system connection permit from the city.

(2) An owner may connect a private fire protection system to the city water system through an approved fire protection metering device, instead of through a water meter, if the private fire protection system is separated from the domestic water system.

(3) An approved back flow prevention assembly will be required on all private fire protection systems.

(4) The city shall, require the owner to construct a suitable meter chamber and install the backflow prevention assembly. The city shall install the approved fire protection metering device and make the connection to the city water system. The chamber shall be located at or near the public right-of-way line.

(5) The owner of the private fire protection system shall furnish and maintain all facilities past the fire protection metering device approved by the city.

(6) Water supplied through a fire protection metering device shall not be used for any purpose except extinguishing a fire or testing and inspection of the system as required by the city. If water use is recorded on the fire protection metering device due to a leak, the city may require the owner, at actual cost to the owner, to repair the

fire protection line. If not repaired in 30 days, the city may shut off the domestic water supply.

(7) The city will charge for all consumption if the private fire protection system is combined with a domestic full flow metering system. The city will not charge the customer for water used in extinguishing a fire or for water used in annual testing and inspection the private fire protection system if the water is supplied through a fire protection metering device and the customer reports the use to the city in writing within 10 days. The city will charge for all other consumption recorded on the fire protection metering device.

(8) If a customer is using water supplied through a fire protection metering device for purposes other than authorized by this section, the city will provide written notice to the customer to stop the unauthorized use of water. The city will bill the customer for the unauthorized use of water as follows:

(a) The private fire protection system will be considered a domestic system. Except for a probe type meter in which case actual use will be charged, consumption measured on the fire protection metering device will be multiplied by 10. Water user charges will be determined as described in GRC 5.50.010.

(b) These water user charges will be in effect until the private fire protection system is repaired and consumption from the fire protection metering device is eliminated.

(9) If unauthorized use of private fire protection system continues for 60 days from the date of the original notice, the city shall install a water meter and convert the fire protection metering device to a domestic service connection. The owner shall pay the actual cost of the water meter installation, the appropriate system development charge and other water connection charges.

(10) All private fire protection systems will be designed based on a maximum water pressure that is 10 psi less than the minimum system static pressure, to a maximum of 60 psi. Owners of

private systems which are designed outside of these guidelines shall be responsible for maintaining private system design pressure. The manager may modify the maximum system static pressure with a deed restriction recorded against the property requiring system improvements if the public system static pressure falls below the private fire protection system's minimum operating design. The deed restriction shall also include a condition that all costs associated with improvements shall be at the property's expense.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1507, Amended, 10/19/2000; Ord. No. 1332, Amended, 11/03/1994; Ord. No. 1307, Amended, 05/05/1994)

Article 5.30

FIRE HYDRANTS

Sections:

- 5.30.010 [Use.](#)
- 5.30.020 [Use Permit.](#)
- 5.30.025 [Testing.](#)
- 5.30.030 [Installation and Relocation.](#)
- 5.30.040 [Clear Area.](#)

5.30.010 Use.

(1) No person except authorized city personnel may operate, alter, change, remove, disconnect, connect with, or interfere with in any manner any fire hydrant without first obtaining written approval from the manager.

(2) The manager may approve filling a tank or container with water from a city designated fire hydrant without a fire hydrant use permit. The tank or container shall first pass a safety inspection and be equipped with a backflow protection assembly. A fee for the service shall be set by council resolution.  
(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1507, Amended, 10/19/2000)

5.30.020 Use Permit.

(1) The manager may issue a fire hydrant use permit for the temporary use of a fire hydrant. If the permit is granted, the city shall install a fire hydrant meter. A fee for the use of the fire hydrant meter shall be set by council resolution.

(2) A fire hydrant use permit shall be issued for a specific use, location, and time period. A fee for the permit and a charge for installation by the city of the fire hydrant meter shall be set by council resolution.

(3) The city will install the fire hydrant meter within 48 hours of receiving the permit application provided a fire hydrant meter is available. If the fire hydrant meter is not returned within five working days after the expiration of the hydrant use permit, a fee set by council resolution shall be

charged.

(4) Charges for water consumption shall be the water consumption rates set by council resolution, and there shall be a minimum water charge set by council resolution.

(5) The applicant shall be responsible for the actual cost of repairing damages to the metering device and hydrant.

(6) The manager shall have the authority to revoke a fire hydrant use permit if the applicant violates the conditions of the permit or if emergency conditions exist.  
(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1307, Amended, 05/05/1994)

5.30.025 Testing.

A customer may request that the city conduct a fire hydrant flow test on a fire hydrant. The city shall schedule the test as soon as possible and shall provide a written report of the test results to the customer. No testing will occur between July 1 and September 30. The customer shall pay a fee for the fire hydrant flow test and providing a written report. The fee shall be set by council resolution.  
(Ord. No. 1787, Amended, 11/01/2018; Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1332, Enacted, 11/03/1994)

5.30.030 Installation and Relocation.

The manager shall approve all installations and changes in size, type, and location of city fire hydrants. If any person desires an installation or change in the size, type, or location of a fire hydrant, that person shall pay the actual cost of removing the existing fire hydrant and installing the new fire hydrant.

5.30.040 Clear Area.

(1) No person shall permit shrubs or other landscaping within three feet of a fire hydrant. Any such obstruction may be trimmed or removed by the city and the owner may be charged for the removal costs.

(2) No person shall park a motor vehicle on

public or private property within 10 feet of a fire hydrant.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1700, Enacted, 03/03/2011)

Article 5.45

USE OF SYSTEM

Sections:

- 5.45.010 [Service.](#)
- 5.45.020 [Temporary Shutdown.](#)
- 5.45.030 [Limitations on Use.](#)
- 5.45.040 [Wasteful or Negligent Use.](#)
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- 5.45.080 [Customer Discontinuance of Service.](#)
- 5.45.090 [Use Without Authority.](#)
- 5.45.100 [Unsafe Apparatus.](#)

5.45.010 Service.

(1) Additional agreements may be required prior to the city providing water service if the manager determines that special circumstances exist.

(2) The city may refuse to provide water service when the customer has a delinquent sewer, stormwater, or water account at the same or a different property.

(Ord. No. 1741, Amended, 08/14/2014; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1332, Amended, 11/03/1994)

5.45.020 Temporary Shutdown.

The city may temporarily shut down the city water system for improvements and repairs. When possible, and as time permits, customers affected shall be notified prior to a shutdown. The city shall not be liable for damage resulting from an interruption of service, discontinuance of service, or variation in pressure.

5.45.030 Limitations on Use.

The council may limit the use of water in times of shortage.

5.45.040 Wasteful or Negligent Use.

If wasteful or negligent water use seriously affects the general water service in the city, the city may discontinue the water service to a customer pursuant to GRC 5.99.040 if such conditions are not corrected within five days after the customer is given written notice.

(Ord. No. 1700, Amended, 03/03/2011)

5.45.050 Excessive Demand.

The city may refuse to furnish water and may discontinue water service to premises when excessive demand by one customer will result in inadequate service to others or will damage the city water system.

5.45.060 Large Quantities.

When an abnormally large quantity of water is desired for filling a swimming pool or pond, or for any other purpose, the customer must obtain prior approval from the city. Permission to take water in unusual quantities shall be given only if it can be safely delivered and if other customers will not be inconvenienced.

(Ord. No. 1700, Amended, 03/03/2011)

5.45.070 Resale.

Unless the city approves, no customer may resell water received from the city, nor will the city deliver water to premises other than those specified in the application for water service.

5.45.080 Customer Discontinuance of Service.

(1) A customer may discontinue water service by notifying the city in advance of the desired date of discontinuance. The customer shall pay water user charges until the date of the discontinuance.

(2) If notice is not given, the customer shall pay the water user charges until the date the city learns that the customer has vacated the premises or adjusted a maximum of 30 days from the date of notification.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1602, Amended, 04/01/2005)

**5.45.090 Use Without Authority.**

(1) If water service is discontinued for non-payment of a water account, no one shall turn on or cause to be turned on water service without city authorization. The city may stop water service by shutting water off at the water main, removing the water meter, or any other appropriate method.

(2) The council may set by resolution a fee for turning off water service that was turned on without city approval.

(3) The city will not restore water service to the premises until the discontinuance of service charges and other costs incurred are paid in accordance with GRC 5.99.040.

(Ord. No. 1741, Amended, 08/14/2014)

**5.45.100 Unsafe Apparatus.**

The city may refuse to furnish water or may discontinue water service to a premises where the actions of the owner or a customer of the private water system have caused or may cause damage to the city water system.

**Article 5.50**

**USER AND BILLING SERVICE CHARGES**

**Sections:**

- 5.50.010** [User Charges.](#)
- 5.50.020** [Fire Protection Service.](#)
- 5.50.025** [Water Utility Fund.](#)
- 5.50.030** [Billing.](#)
- 5.50.040** [Payment.](#)
- 5.50.050** [Adjustment of Accounts.](#)
- 5.50.060** [Property Liens.](#)
- 5.50.065** [Tenant Accounts.](#)
- 5.50.070** [Delinquency.](#)
- 5.50.100** [Overtime Staff Service.](#)
- 5.50.110** [Charges for Other Services.](#)

**5.50.010 User Charges.**

Water user charges shall include a water consumption charge, a water service charge, and a fire flow charge.

(1) Customers shall pay a water consumption charge based on actual consumption of water. Water consumption charges shall be set by council resolution.

(2) Customers shall pay a water service charge for each service connection to the city water system. Water service charges shall be set by council resolution.

(3) Customers shall pay a fire flow charge for each service connection to the city water system, except for irrigation service connections. The manager may reduce a customer's fire flow requirements if the customer's building has a private fire protection system. Fire flow charges shall be set by council resolution.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1440, Amended, 04/16/1998; Ord. No. 1332, Amended, 11/03/1994; Ord. No. 1307, Amended, 05/05/1994)

**5.50.020 Fire Protection Service.**

(1) Services used exclusively for fire

protection shall be set up as a water account for the purpose of monitoring consumption. Water usage may be charged according to the provisions of GRC 5.25.010.

(2) Services that provide domestic supply and private fire protection systems through the same meter shall be charged the water service charge for the actual meter size.

(Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1412, Amended, 01/16/1997; Ord. No. 1307, Amended, 05/05/1994)

**5.50.025 Water Utility Fund.**

(1) There shall be a water utility fund. Except for system development, all charges imposed and collected under this chapter shall be deposited in the water utility fund.

(2) Money in the water utility fund shall be used for planning, designing, and constructing the public water system; for the regulation, maintenance, and administration of the public water system; for providing all water services, including the repayment of any indebtedness incurred before or after the effective date of this ordinance; for all expenses related to the operation and management of the water utility.

(Ord. No. 1787, Amended, 11/01/2018; Ord. No. 1561, Enacted, 01/02/2003)

**5.50.030 Billing.**

(1) The city will bill water user charges on a schedule approved by the manager.

(2) Water meters shall be read at regular intervals for the preparation of regular bills and as required for the preparation of opening, closing, and special bills. If a water meter is inaccessible, water consumption shall be estimated.

(3) Closing bills for a single service or single metered account shall be computed within two weeks after water service is discontinued, or within two weeks of notification to the city, whichever is later. Closing charges for a single service billed on a multiple service account shall be prorated on the next regular bill.



(4) The city may bill each water meter on a customer's premises separately or combined on one or more accounts.

(5) Water user charges, sanitary sewer user charges, sanitary sewer billing service charges, and stormwater user charges may be billed on the same bill. User charges for sanitary sewer, stormwater, and water may not be combined.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1440, Amended, 04/16/1998; Ord. No. 1307, Amended, 05/05/1994)

**5.50.040 Payment.**

(1) Water user charges shall be paid within 26 days from the service period ending date on the regular bill.

(2) Payments shall be applied as provided by GRC 2.92.090.

(3) The initial customer shall pay water consumption charges, water services charges, and fire flow charges from the date the meter is installed, turned on, and available for use.

(4) When the customer changes, user charges for the new customer begins when new customer information is received by the city. If notification of the change was not received by the city prior to the change in customer, the user charge shall begin with the next billing and the new customer may be billed retroactively, not to exceed one year.

(5) If two or more persons are billed for service, they shall be jointly and individually liable and sent a single bill.

(Ord. No. 1700, 03/03/2011; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1307, Amended, 05/05/1994)

**5.50.050 Adjustment of Accounts.**

Customer water accounts shall be adjusted for the following:

(1) If a customer receives other than the normal number of days of water service, the city shall charge for the actual water consumption and

shall prorate the water service charge and fireflow charge.

(2) When a water meter is found to be registering more than two percent high, the city shall refund to the customer the amount of the overcharge beginning with the billing period prior to the current billing period.

(3) When a meter is found to be registering more than five percent low, the city may bill the customer for the amount of the undercharge beginning with the billing period prior to the current billing period.

(4) The city shall bill the customer for water consumed while the meter is not registering. The bill shall be the water service charge and the fire flow charge plus an estimate of water consumption based upon the customer's prior use during the same season of the prior year or upon the available history of the customer's water consumption.

(5) The customer's account may be adjusted if a water leak in the private waterline causes consumption to be more than the normal water consumption for that time period and if repairs are made within 30 days after the leak is discovered. Requests for an adjustment must be received within four months of the date the repairs were made. The adjustment period will be limited to the bill period during which the repair was made plus one prior bill period.

(6) The manager may write off closed accounts and retroactive bills if in the best interest of the city and may write off refunds, unless the customer requests otherwise, if the cost of making the refund would exceed the amount of the refund.

(7) Customers who believe their user charges, as applied to their premises, are not within the intent of GRC 5.50.010 may request, in writing, a review of their user charges. The manager may initiate the review of a customer's water user charges.

(a) If a customer's charge is reduced as a result of this review, the corrected water user charge shall begin with the next billing and a

credit or refund shall be made retroactively, not to exceed one year from the last billing.

(b) If a customer's charge is increased as a result of this review, the corrected water user charge shall begin with the next billing and the customer shall be billed for the increase retroactively, not to exceed one year from the last billing.

(8) If a customer has not been billed for water service, the water user charge shall begin with the next billing and the customer shall be billed retroactively, not to exceed one year.

(Ord. No. 1561, Amended, 01/02/2003; Ord. No. 1440, Amended, 04/16/1998; Ord. No. 1412, Amended, 01/16/1997; Ord. No. 1379, Amended, 12/07/1995; Ord. No. 1332, Amended, 11/03/1994; Ord. No. 1307, Amended, 05/05/1994)

**5.50.060 Property Liens.**

(1) If the water customer is the owner of the property, water user charges, plus billing service charges, late payment charge, charge for collecting delinquent bills, damages and any other water charges incurred relating to the property shall be a lien against the property served from the date of delinquency. In the case of a closing bill where the property is being sold or transferred the lien for the closing bill shall attach as of the day preceding the sale or transfer.

(2) When a bill for water service remains unpaid for 60 days after it has been entered in the customer's billing record or other city water record, and recorded in the city's lien docket, the lien may be foreclosed in any manner provided by ORS 223.505 to ORS 223.650 or otherwise provided by law.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1540, Amended, 03/07/2002; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1507, Amended, 10/19/2000; Ord. No. 1440, Amended, 04/16/1998; Ord. No. 1379, Amended, 12/07/1995)

**5.50.065 Tenant Accounts.**

(1) The city's claim against a tenant is transferred to the owner of the property when the city provides notice of the delinquent status to the tenant and mails a copy of the notice of

delinquency by first class mail to the last address of the owner or owner's agent that is on file with the city, within 30 days from the time the payment is due on the account. The transferred claim shall be a lien against the property served from the date the notice of delinquent status is mailed to the owner of the property. The transfer does not relieve the tenant of the obligation to pay the claim.

(2) The city may refuse to provide water service to a tenant if the tenant has a previous unpaid utility bill with the city unless the city and the customer agree to a plan for repayment of unpaid utility bills.

(3) The city will provide information to the owner or owner's agent regarding the status of a tenant's account upon request, within a reasonable amount of time. If a request is made verbally, the city shall provide the information verbally. If the city discloses information under this subsection, the city shall not be held responsible for the disclosure of information to a person who is not an owner or owner's agent.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1602, Enacted, 04/01/2005)

**5.50.070 Delinquency.**

(1) Water user charges are delinquent if payment in full is not received by the city within 26 days from the service period ending date on the regular bill.

(2) If a customer account for water user and billing service charges is delinquent, the city may discontinue any city provided water services billed to that customer pursuant to GRC 5.99.040.

(3) The council may set by resolution fees for extra services required in collecting delinquent customer accounts for water user charges.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1507, Amended, 10/19/2000; Ord. No. 1307, Amended, 05/05/1994)

**5.50.100 Overtime Staff Service.**

When a customer requests city staff assistance for

a non-emergency during a time other than the normal operating hours, an overtime charge may be charged. This charge shall be entered on the customer's billing record and collected in accordance with GRC 5.50.070 and GRC 5.50.080. Council may set by resolution a fee for this charge.

**5.50.110 Charges for Other Services.**

A customer, developer, or other governmental entity requesting or needing the following services shall pay the actual costs of the services provided by the city.

(1) Water Support Services: A request or requirement to provide or a need for the following support services in connection with development: inspection of the city's water system, mapping of the city's water system, provision of customer service, and construction or repair to the city's water system.

(2) Exposing Facilities to the City's Water System: A request to expose facilities of the City's Water System through potholing and excavation.

(3) Relocation and Adjustment of the City's Water System: A request to relocate or adjust any component of the City's Water System.

(Ord. No. 1515, Enacted, 03/08/2001)

Article 5.55

CROSS CONNECTION CONTROLS

Sections:

- 5.55.010 [Definitions.](#)
- 5.55.020 [Cross Connections.](#)
- 5.55.030 [Backflow Prevention Assembly.](#)
- 5.55.035 [Fee for Temporary Use of a Backflow Prevention Assembly.](#)
- 5.55.040 [Cross-Connection Inspection.](#)
- 5.55.050 [Installation Permits.](#)
- 5.55.060 [Access to Premises for Inspection.](#)

5.55.010 Definitions.

In addition to the definitions set forth in GRC 1.05.010, unless the context requires otherwise, for purposes of GRC Article 5.55, the following mean:

Air Gap Separation. The physical vertical separation between the free flowing discharge end of a potable water supply pipe line and the open or nonpressure receiving vessel.

Approved Backflow Prevention Assembly. An assembly approved by both the Oregon Department of Human Services and the city for preventing backflow occurrences.

Auxiliary Water Supply. Any supply of water used to augment the supply obtained through the city water system which serves the premises in question.

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.

Backflow Preventer. An assembly or method to prevent backflow into the potable water system.

Backflow Prevention Assembly. Any city or state approved assembly used to prevent backflow into a potable water system. The types of assembly

used include:

- (1) Double Check Valve Assembly
- (2) Pressure Vacuum Breaker Assembly
- (3) Reduced Pressure Principle Assembly
- (4) Air Gap Separation.
- (5) Spill Resistant Vacuum Breaker

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.

Check Valve. A valve that permits flow in only one direction.

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

Contamination. The entry into or presence in a public water supply of any substance that may be injurious to health or quality of the water.

Cross-Connection. Any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.

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

Double Check Valve Assembly (DC Assembly). An assembly approved by both the Oregon Department of Human Services and the city which

consists 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. This is the minimum protection required at property line by the City of Gresham.

Hazard, Plumbing. An internal or plumbing type cross-connection in a consumer's potable water system that may be either a pollutional or a contamination type hazard. This includes, but is not limited to, cross-connections to toilets, sinks, lavatories, wash trays, domestic washing machines, and lawn sprinkling systems.

Hazard, Low. An actual or potential threat to the physical properties of the city water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

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.

Irrigation System. A metered connection intended for seasonal use and delivering water which is not discharged into the sanitary sewerage system.

Pollutant. A substance that creates an impairment of the quality of the water to a degree which does not create a hazard to the public health, but which does adversely affect the aesthetic qualities of the water.

Potential Cross Connection. A cross connection that would most likely occur, but may not be taking place at the time of an inspection.

Pressure Vacuum Breaker Assembly. An assembly approved by both the Oregon Department of Human Services and the city consisting of one or two spring loaded check

valves in the supply line, a spring loaded air inlet on the downstream side of the check valve which will open to atmosphere when the pressure in the assembly drops below one pound per square inch, two shut-off valves, and two test ports for checking water tightness of the check valve.

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

Reduced Pressure Principle Assembly (RP-Assembly). An assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly. This assembly is designed to protect against a non-health hazard or a health hazard.

Safe Drinking Water. 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.

Secondary Contaminant. Those contaminants that at the levels generally found in drinking water do not present an unreasonable risk to health, but do: (1) have adverse effects on the taste, odor, and color of water; (2) produce undesirable staining of plumbing fixtures; or (3) interfere with the treatment process by the public water supply.

Spill Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly (SVB). An assembly containing an independently operating, internally loaded check valve and independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with a properly located resilient seated shutoff valve attached at each end of the

assembly. This assembly is designed to protect against a non-health hazard or a health hazard under a back siphonage condition only.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1507, Amended, 10/19/2000)

**5.55.020 Cross Connections.**

The installation or maintenance of any cross-connection that will endanger the water quality of the potable water supply system of the city is unlawful. The manager may enforce the provisions of this code in the inspection of existing, new, and remodeled buildings. The city shall comply and enforce rules adopted by the Oregon Health Authority, Oregon Administrative Rules Chapter 333, Division 61, related to Cross Connection Control Requirements, except where otherwise noted in this code.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1647, Amended, 09/20/2007)

**5.55.030 Backflow Prevention Assembly.**

(1) The city shall not install or maintain a water service connection to any premises as listed in subsection (4) unless the water supply is protected as required by this code. The city shall discontinue water service to any premises if a backflow prevention assembly required by this code is not installed, tested, and maintained. The city shall discontinue service if a backflow prevention assembly, that is still required, is removed or by-passed, or if an unprotected cross-connection exits on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) A customer's system shall be open for inspection and tests at all reasonable times to the city to determine whether cross-connections or other violations of this article exist. If a violation is found, the manager may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer corrects the violation.

(3) Water services to any premises known or found to have such defects and hazards will be disconnected and not restored until such defects

and hazards have been eliminated or until the appropriate backflow assembly as determined by the city has been installed and tested.

(4) A city approved backflow prevention assembly will be installed on each service line to user's water system at or near the property line unless variance is granted by the manager. If a variance is granted, then the backflow prevention assembly will be located immediately inside the building being served but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:

(a) Premises having an auxiliary water supply.

(b) Premises having cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.

(c) Premises where entry is restricted so cross-connection inspections cannot be made to determine if cross-connections exist.

(d) Premises having a history of repeating the same or similar cross-connections or backflow even though these have been removed or disconnected.

(e) Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters, cooling waters, solar water systems, and private fire systems.

(f) Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a serious health hazard might result.

(g) Premises having a service connection to another jurisdiction's public water system. Backflow prevention assemblies shall be installed to the standards of the jurisdiction to which the service is connected or to the city's standards, whichever is greater. This

requirement shall also apply to a public line connected to another jurisdiction's public water system.

(h) The following types of facilities will fall into one of the above categories where a backflow prevention assembly is required to protect the public water supply. A backflow prevention assembly shall be installed at these facilities (unless the city determines that no hazard exists) requiring isolation by an approved air gap or reduced pressure principle type of assembly for known health hazards. Refer to Oregon Administrative Rules Chapter 333, Division 61 related to premise isolation requirements.

- Agriculture (e.g., farms, dairies)
- Beverage bottling plants (a Double Check Valve Backflow Prevention Assembly could be used if the city determines there is only a non-health hazard at a beverage bottling plant)
- Car washes
- Chemical plants
- Commercial laundries and dry cleaners
- Premises where both reclaimed and potable water used
- Film processing plants
- Food processing plants
- Medical Centers (e.g., hospitals, medical clinics, nursing homes, veterinary clinics, dental clinics, blood plasma centers)
- Premises with irrigation systems that use the water supplier's water with chemical additions (e.g., parks, playgrounds, golf courses, cemeteries, housing estates)
- Laboratories
- Metal plating industries
- Mortuaries
- Petroleum processing or storage plants
- Piers and docks
- Radioactive material processing plants and nuclear reactors

- Wastewater lift stations and pumping stations
- Wastewater treatment plants
- Premises with piping under pressure for conveying liquids other than potable water and the piping is installed in proximity of potable water piping
- Premises with an auxiliary water supply that is connected to a potable water supply system
- Premises where the water supplier is denied access or restricted access for survey
- Premises where the water is being treated by the addition of chemical or other additives

(i) Any premise considered to be a non-residential use.

(5) Any backflow prevention assembly required by this code shall be an approved backflow prevention assembly.

(6) The type of backflow prevention assembly required shall depend on the degree of hazard that exists consistent with the tables relating to Premises Requiring Isolation and Backflow Prevention Methods in Oregon Administrative Rules Chapter 333, Division 061.

(7) A backflow prevention assembly required shall be inspected and approved by the city upon installation. The customer shall pay a fee for administration and for inspection of each new backflow prevention assembly installed, which shall be set by council resolution.

(8) Backflow prevention assemblies shall be furnished and installed by and at the expense of the customer.

(9) It shall be the duty of the customer at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made after the assembly is installed, and at least once per year or sooner if required by the manager. In those instances where the manager deems the hazard to be great enough,

the manager may require certified inspection at more frequent intervals.

(a) These inspections and tests shall be at the expense of the customer and shall be performed by a certified tester approved by the manager. The manager shall see that these timely tests are made. The customer shall notify the manager 48 hours in advance when the tests are to be undertaken. These assemblies shall be repaired, overhauled or replaced at the expense of the customer whenever they are found to be defective. Records of such tests, repairs, and overhaul shall be kept and copies sent to the manager.

(b) The customer may request that the city perform an annual inspection and operational test for the customer's backflow prevention assemblies and shall pay a fee for each backflow prevention assembly tested. The council shall set by resolution the fee for providing the annual inspection and testing. The customer shall be given advance notice of the date and time of the inspection and testing. A written report of the inspection and test results shall be furnished to the customer. If the city finds the backflow prevention assemblies to be defective, the customer shall repair, overhaul, or replace the assemblies at the customer's expense.

(c) Customer shall be responsible for keeping the area surrounding backflow assemblies clear at all times of landscaping material and structures to allow for inspection, testing and repair.

(10) No irrigation system may be installed without a minimum of a double check valve assembly (DCVA) unless chemical injection is used in which case a reduced pressure backflow assembly (RPBA) is required.(11) All customers required by state law to have backflow prevention assemblies shall pay a charge for each assembly to cover administration of the cross connection program mandated by the state. A cross connection program fee shall be set by council resolution.

(Ord. No. 1832, Amended, 09/15/2022; Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1700, Amended,

03/03/2011; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1507, Amended, 10/19/2000; Ord. No. 1332, Amended, 11/03/1994; Ord. No. 1307, Amended, 05/05/1994)

**5.55.035 Fee for Temporary Use of a Backflow Prevention Assembly.**

A customer, developer or governmental entity may request that the city install a backflow prevention assembly for temporary use of the city water system during construction. The customer, developer or governmental entity shall pay for installing and removing the assembly plus a rental charge for the use of the assembly. The customer, developer or governmental entity shall deposit an amount equal to the estimated installation, rental, and removal cost of the backflow prevention assembly. The amount of the charge for rent, installation, and removal shall be set by council resolution.

(Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1332, Enacted, 11/03/1994)

**5.55.040 Cross-Connection Inspection.**

(1) The city shall not deliver water to any structure built within the city or within areas served by city water until the premises have been inspected by the city and found free of cross-connections.

(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 manager, shall be protected by the installation of one or more backflow prevention devices at the point of service from the public water supply or any other location designated by the city.

(3) The manager may inspect all buildings, structures, or improvements of any nature now receiving water through the city's water system, for the purpose of ascertaining whether cross-connections exist.



**5.55.050 Installation Permits.**

If backflow prevention devices are found to be necessary, the owner of the property served must apply to the city for a specific installation permit. The council may set by resolution an installation permit fee.

(Ord. No. 1332, Amended, 11/03/1994)

**5.55.060 Access to Premises for Inspection.**

(1) The city shall have the right of access in accordance with GRC 7.50.500 through GRC 7.50.520 during reasonable hours to all parts of an owner's building or premises for purposes of inspecting the conditions of private waterlines and plumbing fixtures to determine whether cross connections or other structural or sanitary hazards exist and the manner in which water is being used.

(2) If the owner or occupant refuses access or prevents authorized city employees from making such necessary inspections, water service may be refused or discontinued pursuant to GRC 5.99.050.

(Ord. No. 1700, Amended, 03/03/2011)

Article 5.70

WATER CURTAILMENT MEASURES

Sections:

- 5.70.010 [Declaration of Policy.](#)
- 5.70.020 [Authority of Council to Adopt Rules.](#)
- 5.70.030 [Water Curtailment Enforcement.](#)
- 5.70.040 [Authority of Council to Terminate Rules.](#)

5.70.010 Declaration of Policy.

It is the policy of the City of Gresham to provide clean, healthful, and plentiful water to its customers. There may be circumstances beyond the city's control, however, including most particularly weather conditions and the effects of natural catastrophes or the actions of others on the city's water supply sources, that make it necessary to reduce the water regularly used by the city's customers and apportion among the city's customers a restricted supply of water. In those circumstances, the city intends that water be apportioned in a manner that is consistent with these provisions, as determined by the manager to be equitable under the circumstances, and takes into account public health and safety.

(Ord. No. 1257, Enacted, 7/28/1992)

5.70.020 Authority of Council to Adopt Rules.

(1) Authorization. When the council finds that a water shortage exists or is imminent or that any other emergency situation exists which threatens seriously to disrupt or diminish the municipal water supply, the council may adopt rules, procedures, and forms to restrict water use in a manner that accomplishes the policy announced in GRC 5.70.010 and to otherwise implement the provisions of this article.

(2) Procedure.

(a) The council may adopt rules to implement this article. Such rules shall be adopted by resolution. Prior to the adoption

of the rules, the council shall provide an opportunity for public input.

(b) Notwithstanding subsection (2)(a) above, an interim rule may be adopted without following the procedure of that subsection upon a finding by the manager that failure to act promptly will result in serious prejudice to the public interest. Any rule adopted pursuant to this subsection shall be effective for a period of not longer than 90 days.  
(Ord. No. 1257, Enacted, 7/28/1992)

5.70.030 Water Curtailment Enforcement.

(1) A violation of a provision of this article may be subject to a fine or penalty in the maximum amount of \$500.

(2) If a customer violates any provisions of this article or rules, the manager may install a flow restrictor on the city side of the customer's water meter. The customer shall pay the cost of installing the flow restrictor.

(3) If a customer violates any provisions of this article or rules, the manager may terminate water service in accordance with GRC 5.99.040.  
(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1257, Enacted, 7/28/1992)

5.70.040 Authority of Council to Terminate Rules.

When the council finds that the remaining water supply, exceeds anticipated demand, and that the water shortage or any other emergency situation no longer exists or is imminent, the council may terminate rules, procedures, and forms that had been adopted to restrict water use.

(Ord. No. 1257, Enacted, 7/28/1992)

Renumbered [formerly GRC 3.65.010], 03/03/2011)

**Article 5.75**

**WELL FIELD PROTECTION**

**Sections:**

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**5.75.010 Establishment of Well Field Protection Areas and Well Field Protection Program Reference Manuals.**

(1) The council shall establish by resolution well field protection areas in order to regulate the storage, handling, use and transportation of hazardous materials that could contaminate groundwater. The council shall establish or make major revisions to the boundaries of well field protection areas based on the best available information about the dynamics of the aquifers that existing and future wells tap, the time-of-travel of hazardous materials, and other relevant factors. The manager shall publish a map of all designated well field protection areas and shall certify copies to city departments, and shall make such maps available to the public and to all persons within the well field protection areas. The manager may make minor alterations to the boundaries of a well field protection area if the information on which existing boundaries are based is updated.

(2) The council, by resolution, shall adopt and amend one or more Well Field Protection Program Area Reference Manuals. The manager may make minor modifications to the Well Field Protection Program Reference Manuals.

(Ord. No. 1729, Amended, 08/15/2013; Ord. No. 1700,

**5.75.020 Reporting.**

As required by the Well Field Protection Program Reference Manuals (Reference Manuals), all businesses or persons storing, handling, using or transporting hazardous materials within the well field protection areas shall make reports to the city concerning the types and quantity of hazardous materials stored, handled, used or transported; storage and containment provisions for hazardous materials; a site plan indicating the location of hazardous materials manufactured, generated, stored, handled, used or transported, the location of drains, capacities of containment systems, drainage utility shut-off, and topographical information and such other information as required by the Reference Manuals. To the extent the city requires a similar report for other purposes, reporting requirements and reports may be combined.

(Ord. No. 1719, Amended, 08/15/2013; Ord. No. 1700, Renumbered [formerly GRC 3.65.020], 03/03/2011)

**5.75.030 Standards.**

Reference Manuals shall set standards for storage, handling, and transportation of hazardous materials within the well field protection areas. The standards shall include the designation of materials as hazardous to water quality, including the quantity of such materials; requirements for the storage, handling, transportation and containment of such materials both inside and outside structures; requirements for equipment and devices to prevent and control spills or releases of such materials beyond containment vessels; the schedule for submitting reports; and such other matters necessary for the purpose of implementing GRC Article 5.75.

(Ord. No. 1729, Amended, 08/15/2013; Ord. No. 1700, Renumbered [formerly GRC 3.65.030], 03/03/2011)

**5.75.040 Inspections.**

(1) The city may conduct inspections of property and structures where hazardous materials are stored, handled, used or transported to ascertain compliance with GRC Article 5.75, including but not limited to the types, quantities

and locations of hazardous materials, primary and secondary containment facilities, and the existence of spill prevention and spill control equipment or devices.

(2) Inspections may be initiated as the result of a complaint, referral, a routine schedule for inspection, application for a business license, commencement of operations or if there is reason to believe there is a violation. Re-inspection may occur to ensure compliance. Inspections will be used to determine if a person is in compliance with GRC Article 5.75.

(3) Inspections may involve a review of facilities, equipment, structures, practices and operations; records or plan review; interviews with operators; and photo documentation. As such, an authorized person shall allow representatives of the city, at reasonable times and upon presentation of credentials, to:

(a) enter the premises where hazardous materials are being stored, handled, used or transported, or where records may be kept under the provisions of GRC Article 5.75. The owner/operator shall make necessary arrangements to allow access without delay;

(b) inspect any facilities, equipment, structures, practices and operations regulated or required under the provisions of GRC Article 5.75; and

(c) have access to and copy any records that must be kept under the provisions of GRC Article 5.75.

(Ord. No. 1700, Renumbered [formerly GRC 3.65.040], 03/03/2011)

**5.75.050 Violations and Enforcement.**

(1) Violations.

(a) No person shall store, handle, use or transport hazardous materials in a manner contrary to GRC Article 5.75 or the Reference Manuals.

(b) The storage, handling, use or transport of hazardous materials in a manner

contrary to GRC Article 5.75 or the Reference Manuals is a public nuisance.

(c) Failure to submit a required report or failure to submit a complete report as required by the Reference Manuals shall be a violation.

(d) Failure to comply with the requirements of GRC 5.75.040(3) relating to inspections, shall be a violation.

(e) Failure to develop, obtain approval, or meet the requirements of an approved compliance plan required by GRC 5.75.050(3) shall be a violation.

(2) Enforcement.

(a) A violation of any provision of GRC Article 5.75 may be subject to a fine or penalty in the maximum amount of \$1,000.

(b) The manager may take any enforcement action authorized by GRC Article 7.50.

(c) Should a hazardous material be released as a result of a violation, or as a result of a failure to correct a violation, the person or business responsible for such spill shall be civilly liable for all costs associated with cleaning up such spill and any other action pursuant to GRC Article 5.75 necessary to ensure that the well field is protected from contamination.

(d) To the maximum extent practicable the city will work cooperatively with a person or business to achieve voluntary compliance with the provisions of GRC Article 5.75.

(3) Compliance Plan. Persons not in compliance with GRC Article 5.75 or the Reference Manuals when adopted or amended shall bring their operations into compliance within the timeframe established in the Reference Manuals.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1729, Amended, 07/15/2013; Ord. No. 1700, Renumbered [formerly GRC 3.65.050] and Amended, 03/03/2011)

**5.75.060 Building and Site Permit Review and Approval.**

Plans for site alterations, construction, alterations, repairs, or other work involving or affecting the storage, handling, use, transportation or containment of hazardous materials shall be reviewed and approved by the manager prior to issuance of a permit for site work or of a building permit. Review shall be for conformance with GRC Article 5.75.

(Ord. No. 1700, Renumbered [formerly GRC 3.65.060], 03/03/2011)

**5.75.070 Inspection Fees.**

The council, by resolution, shall establish fees for inspection, reinspection, permit review, reporting and other functions that may be required by GRC Article 5.75.

(Ord. No. 1700, Renumbered [formerly GRC 3.65.070], 03/03/2011)

Article 5.99

ENFORCEMENT

Sections:

- 5.99.010 [Violation.](#)
- 5.99.020 [Authority to Inspect.](#)
- 5.99.030 [Fines, Penalties and Other Enforcement Tools.](#)
- 5.99.040 [Discontinuation of Water Service.](#)
- 5.99.050 [Summary Discontinuation of Water Service.](#)

5.99.010 Violation.

A violation shall have occurred when any requirement, provision, or rules of this chapter has not been complied with. Violation of any provision of this chapter may be subject to enforcement action by the manager.  
(Ord. No. 1700, Enacted, 03/03/2011)

5.99.020 Authority to Inspect.

The manager may enter any property, building, or premises in accordance with GRC 7.50.500 through GRC 7.50.520, to perform an inspection in order to ensure compliance with any provision of this chapter.  
(Ord. No. 1700, Enacted, 03/03/2011)

5.99.030 Fines, Penalties, and Other Enforcement Tools.

(1) Any condition caused or permitted to exist in violation of any provision of this chapter is a threat to public health and safety. Any such condition is unlawful and constitutes a nuisance.

(2) In addition to any other remedies provided herein, violation of any section of this chapter may be enforced as set forth in GRC Article 7.50, or as otherwise authorized by law.

(3) Unless otherwise specified, violation of any provision of this chapter may be subject to a fine or penalty in the maximum amount of \$1,000.

(4) Each day on which a violation occurs or

continues is a separate offense and may be subject to a separate fine or penalty.  
(Ord. No. 1700, Enacted, 03/03/2011)

5.99.040 Discontinuation of Water Service.

(1) The city may discontinue any city provided water service billed to the customer in the following circumstances:

(a) If a customer account for water user charge is delinquent and the customer fails to pay the amounts and penalties due and owing within three days from the date a turn-off notice is delivered,

(b) if any other charges that the Gresham Revised Code authorizes collection by discontinuation of water service are delinquent and are not paid within three calendar days from the date a turn-off notice is delivered, or

(c) If the customer is in violation of any provision of this chapter and fails to correct the violation within five calendar days from the date a turn-off notice is delivered.

(2) The manager shall mail or deliver a turn-off notice to the service address and, if different, the billing address. The turn-off notice will state that water service will be disconnected unless the delinquent amounts and penalties are paid or the violations are corrected within the time period specified in the notice. If such amounts are not received by the city, or the violation is not corrected and inspected by a city representative in the time permitted, water service will be discontinued without further notice.

(3) The customer shall have the right to request an administrative review of the decision to discontinue water service by submitting a written request to the manager. The written request must be received by the city within three calendar days of the date the turn-off notice was delivered.

(4) The turn-off notice shall contain:

(a) a reference to the applicable code

provision;

(b) a statement of the basis for the decision to discontinue water service;

(c) the anticipated date the water will be shut off; and

(d) a statement of the customer's right to an administrative review of the decision if the customer submits a written request for an administrative review and it is received by the city within three calendar days from the date the turn-off notice was delivered.

(5) If water service for a multi-tenant building is in the owner's name and the water user charges are delinquent the city shall also mail or deliver a turn-off notice to each tenant prior to discontinuance of service. The city will charge the owner for each notice.

(6) The turn-off notice is considered delivered at the close of business on the date actually delivered or, in the case of mailing, the close of business on the third business day from the date of mailing, including the date of mailing.

(7) The manager shall conduct an administrative review if a customer's request has been submitted timely. The manager may appoint a designee to conduct the administrative review. The manager may, but is not required to, request additional written materials and schedule meetings with interested parties to obtain additional information in aid of a decision. The manager's decision is final.

(8) The council may set by resolution a fee for providing the turn-off notices and for discontinuation of service.

(9) The city shall not be liable for any damage resulting from discontinuation of service.

(10) Subject to subsection (11), the customer owing the water bill shall pay all charges or correct all violations before the city will restore water service.

(11) The manager may restore water

service to a delinquent account upon the acceptance of a plan approved by the manager for the payment of delinquent amounts.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1741, Amended, 08/14/2014; Ord. No. 1700, Enacted, 03/03/2011)

**5.99.050 Summary Discontinuation of Water Service.**

(1) If noncompliance affects matters of public health or safety or if the city determines it must act to protect itself from fraud or abuse, the city may immediately discontinue water service to a customer.

(2) In the event of such immediate discontinuation of water service, the customer shall have the right to an administrative review of the decision by submitting a written request to the manager. The written request must be received by the city within five calendar days of the date the water was discontinued.

(3) The manager shall conduct an administrative review if a customer's request has been submitted timely. The manager may appoint a designee to conduct the administrative review. The manager may, but is not required to, request additional written materials and schedule meetings with interested parties to obtain additional information in aid of a decision. The manager's decision is final.

(4) The city shall not be liable for any damage resulting from discontinuation of service.  
(Ord. No. 1700, Enacted, 03/03/2011)