



**ORDINANCE #2021-1
WATER SERVICE SYSTEM**

An Ordinance Amending
Ordinance #402 and Resolution #2002-5

THE CITY OF GRASS VALLEY ORDAINS AS FOLLOWS:

Section I – General Management

The general management, care, control, and supervision of the City Water System shall be as appointed by the City Council of the City of Grass Valley ("City Council"). The City of Grass Valley ("City") is committed to the principle of equal treatment of all utility customers. In furtherance of its commitment, this Ordinance shall apply equally to all persons, firms, corporations, or legal entities receiving utility services supplied by the City and shall uniformly govern all billing, collection, and payment of utility charges. It shall be the policy of the City the utility needs of all customers shall be handled equally, without discrimination, and utilizing sound business principles. Furthermore, the utility rates and processes established by ordinance and/or resolution shall be uniformly applied to all customers.

The City does not discriminate against individuals on the basis of race, color, sex, sexual orientation, religion, disability, age, veteran status, ancestry, or nation or ethnic origin in the administration of its ordinances, utility services, or billing practices.

Section II – Water Service

- A. Every parcel of real property within the City limits requesting or requiring water service currently or in the future must apply to the Grass Valley Water System.
- B. At the time an application is made to the City of Grass Valley for water service, the applicant shall pay a transfer fee of \$25.00 if the water service to the premises has not been previously discontinued. An additional fee of \$50.00 will be assessed to the applicant if water service to the premises has been previously discontinued.
- C. At the time an application is submitted for service, the applicant shall pay a deposit. The deposit shall be in the sum of three months' service at the then-current rate. Applicants will be entitled to a refund of the deposit only in the event all payments have been timely made for twelve consecutive months. Upon request of the applicant, the deposit will be credited to the account or reimbursed by check if the applicant is no longer a Grass Valley Water System customer.
- D. In the event of a temporary vacancy of any premises, water service will be turned off at the service cock upon the owner's submission of a written request to the City. The owner may request a "vacation rate" of \$25.00 per month if they do not wish to have service discontinued but will not be on the premises for an extended period. In the event water service is discontinued for more than 30 days, a \$50.00 fee will be charged to restore water service. A full month's service will be charged if water service is restored on or before the 15th of the month, but no charge will be made for that month if the service is turned on after the 15th of the month.



CITY OF GRASS VALLEY

P.O. Box 191 • Grass Valley, Oregon 97029 • (541) 333-2434

- E. Utility bills shall be issued by the City on or around the 25th day of the month. Utility bills shall list the final date on which payment is due and payable. The due date shall be the tenth (10th) day of the succeeding month.
- F. The property owner of record shall be responsible for payment of all charges prescribed in this ordinance. If the property is rented and the renter fails to pay the charges, the City Administrator shall submit the bill to the property owner for full payment when if an account is delinquent for two (2) consecutive months. All utility bills shall be mailed to the premises where water service is furnished unless the resident or property owner submits a written request to the City directing the bill be sent to another address.
- G. In cases of extreme hardship, the City Council shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the past due amount, provided said installment period does not exceed the period of time the account was delinquent. When the extreme hardship is due to incapacitating illness, the City Council may, upon confirmation of the precise circumstances (e.g. by demanding confirmation from a treating physician) renew service and defer the customers' obligation to make payments on the account until such time as the customer is able to resume income-producing activities.
- H. In the event a utility bill remains unpaid, the City reserves the right to turn off service to the property unless full payment is received. Twenty-four (24) hours prior to the turnoff date, the agent of the City shall personally advise the occupant of the premises receiving water the water service will be disconnected unless delinquent amounts are paid within twenty-four (24) hours. If, despite reasonable diligence, the agent is unable to locate the occupant, the agent shall leave a notice on the door stating the water service will be turned off in twenty-four (24) hours unless payment is received. If payment is not timely received, the agent shall turn off service and lock the meter.
- I. All water service charges shall be a lien against the named applicant(s) on the account or against the property if the owner is the named applicant on the account served after the date of billing and entry into the City's records. The City's records shall be made accessible during the City's regular business hours for inspection by anyone interested in ascertaining the amount of the charges against the property. When a bill for water service remains unpaid 90 days after it has been rendered, the lien thereby created may be foreclosed in the manner provided for by ORS 233.610 or in any other manner provided by law, this code, or City Ordinance/Resolution, as they presently exist, or may hereafter be amended.
- J. Service may be denied to any person who has previously been responsible for an unpaid water bill at another address until such bill is paid in full. In such cases, a turn-on fee established by the City of \$50.00 will be charged and collected at the time the delinquent charges are paid and a request for re-service is made.
- K. Schedules of water rates shall be fixed by the City Council by Ordinance/Resolution, and may in like manner be amended or altered from time to time, at the discretion of the City Council.
- L. Any user desiring to connect to a City water main shall, at the time of application for a building permit, pay to the City a system development fee. The amount of the fee shall be fixed by Ordinance/Resolution, which may from time to time be amended or altered by the City Council. Different fees may be established, depending on the size of the connection, whether the property has been assessed for the water main construction, and other relevant factors.
- M. The City Council shall have the right to include in any assessment levied against property for water main construction the amount of the connection fee and the costs, including legal, administrative, and engineering expenses of installing the service line from the water main to the property line. These amounts may be included in the assessment even though there is no immediate use of water on the property assessed.



CITY OF GRASS VALLEY

P.O. Box 191 • Grass Valley, Oregon 97029 • (541) 333-2434

- N. All expenses for connection to the City's water utility shall be borne solely by the property owner and shall not be part of the system development charge.
- O. If a service larger than two (2) inches in diameter is required, the cost will be negotiated by the City and customer. Actual costs to the City for time, material, and labor to connect to the utility in excess of the deposit are due within thirty (30) days of billing following completion of connection to the utility. In the event the charges are not timely paid, access to the utility will be revoked by the City via removal of the meter or capping of the utility. Access to the utility will not be allowed until the customer has paid the connection fee and cost associated with the disconnection.
- P. Any person turning water on or off at the City's water meter may be assessed a penalty. If the meter has been tagged or locked and then tampered with, the property owner/renter may, at the City's request, be charged criminally.
- Q. When any fine, fee, or other payment is made to the City by any person by check, and such check is dishonored by the bank, a processing fee of \$35.00 shall be added to the fine, fee, or other sum due to the City for each check thus returned, and the processing fee shall be subject to collection in the same manner as the underlying fine, fee, or other sum due.

Section III – Backflow and Cross-Connection Control

Section III-A – Authority and Purpose

Consistent with requirements of the Safe Drinking Water Act of 1974, ORS 448.278 to 448.325 and OAR Chapter 333 Division 61, this chapter is designed and intended to:

1. Protect the City's water supply and distribution system from contamination due to existing or potential cross-connections;
2. Promote elimination or control of existing cross-connections (actual or potential) between the City's potable water system and sources of non-potable water or other substances; and
3. Provide for a continuing program of cross-connection control.

Section IV – Responsibility

The City Council, Mayor, and Maintenance Department are charged with enforcement of this chapter.

Section V – Definitions

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning. If a word or term used in this chapter is not defined in this section, it (or other technical terms used) shall have the meaning(s) listed in OAR Chapter 333 (2014).

“Approved backflow prevention assembly” or “backflow assembly” or “assembly” means an assembly to counteract backpressure and/or prevent back-siphonage. This assembly must appear on the list of approved assemblies recognized by the Oregon Health Authority.

“Auxiliary supply” means any water source or system other than the City's water source or system.



CITY OF GRASS VALLEY

P.O. Box 191 • Grass Valley, Oregon 97029 • (541) 333-2434

“Backflow” means flow in the direction opposite the normal flow or the introduction of foreign liquids, gases, or substances into the City’s water system.

“Certified backflow assembly tester” means a person successfully completing and thereafter maintaining all requirements established by the Oregon Health Authority to be a cross-connection specialist in Oregon.

“City” means the City of Grass Valley.

“Contamination” means the entry into or presence in the City’s water supply or distribution systems of any substance which may be deleterious to health and/or the quality of the water.

“Cross-connection” means any physical arrangement where the City’s potable water supply is connected (directly or indirectly) with or to any other non-potable water system or auxiliary system, sewer, drain, conduit, swimming pool, storage reservoir, plumbing fixture, swamp cooler or other device which may contain contaminated water, sewage or other liquid of unknown or unsafe quality capable of contaminating the public water supply or distribution system as a result of backflow including but not limited to bypass arrangements, jumper connections, removable sections, swivel or changeover devices or other similar devices whether temporary or permanent.

“Degree of hazard” means the non-health hazard or health hazard classification assigned all actual or potential cross-connections.

“Director” means the City’s Maintenance personnel or their designate.

“Double check valve backflow prevention assembly,” “double check assembly,” “double check,” or “DCVA” means an assembly consisting of two independently-operating spring-loaded or weighted check valves. The assembly comes complete with a resilient seated shut-off valve on each side of the checks as well as test cocks to test the checks for tightness.

“Double check detector assembly” or “DCDA” means an assembly consisting of two independently operating spring-loaded or weighted check valves. The assembly comes complete with a shut-off valve on each side of the checks as well as test cocks to test the checks for tightness. It must also be provided with a metered factory bypass arrangement and a minimum of an approved double check assembly.

“Health hazard” means an actual or potential threat of contamination of a physical, chemical or biological nature to the City’s water supply or distribution system(s) or a consumer’s potable water system that could pose a danger to public health.

“In-premises protection” means the appropriate backflow prevention within the consumer’s water system at or near the point at which an actual or potential cross-connection exists.

“Mobile unit” means a temporary unit connecting the City’s water supply/distribution system through a legally-permitted hydrant, hose-bib or other part of the City’s supply or distribution system or to a permanent water service supplying a premise. Examples of a “mobile unit” include water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste hauler’s trucks or units, sewer cleaning equipment, commercial carpet or steam cleaning equipment or other mobile equipment posing a backflow threat. Uses excluded from this definition are recreational vehicles at assigned sites or located



CITY OF GRASS VALLEY

P.O. Box 191 • Grass Valley, Oregon 97029 • (541) 333-2434

consistent with other City policies pertaining to recreational vehicles and homeowner devices used consistent with other provisions of this and other City policies.

“Non-health hazard” means the classification assigned to an actual or potential cross-connection that could allow an objectionable but non-hazardous substance to backflow into the City’s potable water supply.

“OHA” means Oregon Health Authority.

“Person(s)” means a natural person (individual), corporation, company, City, partnership, firm, joint venture, and/or other similar legally recognizable entities.

“Premises” means any real property to which City water service is provided.

“Premises location” means the appropriate backflow prevention at the service connection between the public water supply/distribution system and a premises at or near the property line and downstream from the service connection meter.

“Reduced pressure principle backflow prevention assembly” or “reduced pressure principle assembly” or “RP assembly” means an assembly containing two independently-acting approved check valves together with a hydraulically-operated, mechanically-independent pressure differential relief valve located between the check valves, and at the same time, below the first check valve. The assembly shall include properly located test cocks and two tightly closing shut-off valves.

“Reduced pressure detector assembly” or “RPDA” means an approved assembly consisting of two approved reduced pressure backflow assemblies (set in parallel) equipped with a meter on the bypass line to detect small amounts of water leakage or use. The assembly should include properly-located test cocks and two tightly closing shut-off valves.

“Resident” means a person or persons living within area(s) served by the City’s water supply system.

“Retrofitting” means to furnish a service connection with parts or equipment made available after the time of construction of assembly installation.

“SOP manual” means the City’s standard operating procedures manual.

“System” means the City’s water system including the potable water itself in addition to wells, treatment mechanisms or processes, pumping stations, reservoirs, supply trunk or feeder lines, service lines, meters and all other appurtenances, device lines and items necessary for the system’s operation and to supply water service to properties or premises.

“Thermal expansion” means the pressure created by the expansion of heated water.

Section VI – Cross-connection Regulated

- A. No cross-connection shall be created, installed, used, or maintained within areas served by the City except as would be consistent with the requirements of this chapter.



CITY OF GRASS VALLEY

P.O. Box 191 • Grass Valley, Oregon 97029 • (541) 333-2434

- B. The person in control of any premises (regardless of whether they are an occupant and/or owner) is responsible for the proper installation, testing, repair, and maintenance of all backflow assemblies on the premises. If a change in ownership occurs, it is the responsibility of the new owner to ensure all cross-connection assemblies meet the requirements imposed thereon.
- C. The use of any type of chemical spray attachment connected to a premises' plumbing (including garden hose fertilizers and pesticide applicators) is prohibited without appropriate precautions being taken from potential backflows.
- D. The use of any type of radiator flush kits attached to a premises' plumbing is prohibited without appropriate precautions being taken from potential backflows.

Section VII – Requirements

- A. A certified cross-connection specialist shall determine the appropriate type of backflow assembly to be installed on premises served by the City's water system. All assemblies shall be installed at the service connection unless otherwise approved in writing by the Director. An approved assembly shall be required for each of the following, but this list is not exclusive:
 - 1. In any premises where, in the opinion of the Director there is, as a result of the activities or uses thereon, a danger to the public or the purity of the City's potable water system is present. The system shall be protected by an approved air gap separation or approved reduced pressure principle backflow prevention assembly;
 - 2. When the nature or extent of any activity at a premises could contaminate the City's potable water supply;
 - 3. When a premises has one or more cross-connections;
 - 4. When internal cross-connections are present are not correctable;
 - 5. When intricate plumbing arrangements are present make it impractical to ascertain whether a cross-connection exists;
 - 6. When the premises has a repeated history of cross-connections being established or re-established;
 - 7. When entry to the premises is such that cross-connection surveys cannot be made with sufficient frequency to assure their non-existence;
 - 8. When an appropriate cross-connection survey report form has not been filed with the City;
 - 9. Any and all used water-return systems;
 - 10. If an in-premises assembly intended to provide protection of the City's system has not been tested or repaired, the installation of a reduced pressure principle assembly will be required at the service connection;
 - 11. There is piping or equipment for conveyance of liquids other than City water and said piping or equipment is under pressure and installed and/or operated in a manner with the potential to cause a cross-connection;
 - 12. Wherever reclaimed water or separate irrigation water is used on premises; and
 - 13. When a premises has an auxiliary water supply interconnected to water received from the City's system.
- B. On all new non-residential construction, an approved backflow assembly shall be installed at the service connection with the assembly being commensurate with the relevant degree of hazard.
- C. When a commercial structure is built and the end use thereof is either not known or could change, a reduced pressure principle backflow prevention assembly will be installed at the service connection to provide protection of the City's system in the event of the most hazardous lawful use of the structure.



CITY OF GRASS VALLEY

P.O. Box 191 • Grass Valley, Oregon 97029 • (541) 333-2434

- D. Retrofitting all service connections where an actual or potential cross-connection exists or wherever the City deems retrofitting necessary to meet requirements imposed by the State or Federal regulation.
- E. All irrigation systems shall be equipped with an approved backflow prevention assembly consistent with the requirements of the Oregon State Specialty Plumbing Code.
- F. If a closed system has been created by installation of a backflow prevention assembly or other appurtenances, it is the responsibility of the premises owner, occupant or person in control to eliminate the possibility of damage from thermal expansion in accordance with the Oregon State Specialty Plumbing Code.
- G. All backflow prevention assembly installations shall meet requirements imposed by this chapter and pertinent rules of the Oregon Health Authority (i.e. OAR 333-061-0071).
- H. No permitted premises isolation assembly may be installed or connected between a meter for a premises and the backflow assembly.
- I. The backflow prevention assembly shall be commensurate with the degree of hazard existing as well meeting all relevant OHA standards including standards as to type and model.
- J. A DCVA is the minimum acceptable protection for all new fire sprinkler systems using piping not otherwise approved for potable water use and/or not providing for periodic flow-through. A reduced pressure principle detector assembly must be installed if any material other than potable water may be introduced to the sprinkler system. Retrofitting fire sprinkler systems will be required in each of the following circumstances:
 - 1. Where improper maintenance has occurred;
 - 2. On high hazard systems;
 - 3. Wherever a specialist deems necessary; or
 - 4. Wherever required by law.
- K. In the event an assembly is installed on a designated lateral, a detector assembly commensurate with the degree of hazard will be required.
- L. Backflow protection is required on all temporary meters and hydrant valves before any use. The type of assembly will be commensurate with the degree of hazard as determined by a specialist.

Section VIII – Access To Premises

Authorized City personnel shall have access during normal business hours to all parts of a premises and within a structure to which City water is supplied. If an owner, occupant or person in control refuses access to a premises or a structure's interior, a reduced pressure principle assembly must be installed at the service connection to the premises.

Section IX – Water Meters

- A. Once installed, any cost associated with the repair or replacement of damaged or missing meters and services will be charged to the owner of the property to which the meter is connected. Such costs may include, but are not limited to, gaskets, meter boxes, like inserts, meters, pressure regulator valves, and related labor. No liability shall exist on the part of the City resulting from the breaking of mains, service pipe fittings, or other appurtenances. No deductions in water rates shall be made for any time mains or service pipes are out of use or when service is discontinued or interrupted, for any reason.
- B. Once installed, a water meter shall not be obscured, in any way, by vegetation, dirt, vehicles, garbage, or otherwise, so as to prevent or hinder the reading of the meter. Should a meter require uncovering before it can be read, the City reserves the right to assess charges against the homeowner or renter associated with this work.



CITY OF GRASS VALLEY

P.O. Box 191 • Grass Valley, Oregon 97029 • (541) 333-2434

- C. If any water meter is out of order or if, in the judgment of the City, such meter is not making proper water measurement, the same shall be promptly repaired and the water charges equitably adjusted.
- D. Charges for water service to properties outside of City limits shall be set and assessed by the City Council, in its sole and unfettered discretion.
- E. Customers shall have the right to appeal billing decisions to City staff. If a customer is not satisfied with a City staff billing decision, the customer may then appeal to the City Council by making a formal written request. All appeals will be made at the next appropriate City Council meeting and heard by the City Council. The City Council shall review the decision for appeal of discretion and render a written decision within twenty-one (21) days of reviewing the appeal. All decisions of the City Council shall be final.

Section X – Annual Testing and Repairs

- A. All backflow prevention assemblies relied upon to protect the public water system shall be tested immediately upon installation and at least annually thereafter by a certified backflow assembly tester. All non-functioning assemblies shall be promptly repaired or replaced at the expense of the owner, occupant or person in control of the premises. In the event an assembly is moved, repaired or replaced it must be retested immediately.
- B. All repairs on backflow assemblies within the City's service area must be completed consistent with appropriate State and Sherman County regulations.

Section XI – Maintenance of Assemblies

- A. Backflow prevention assemblies shall be maintained, tested, and repaired consistent with this chapter and State Law.
- B. In the event an assembly is not properly tested and (if necessary) repaired, the City may have the assembly tested and repaired, applying any and all costs reasonably incurred for same to the property as an assessment lien to the premises' water bill.

Section XII – Responsibilities of Backflow Assembly Testers

- A. All backflow assembly testers acting within the City service area shall obtain a City business license, be certified by the State, and abide by this chapter's requirements.
- B. It is the responsibility of backflow assembly testers to submit records of all backflow assembly test reports to the City within ten (10) days of completing the test.

Section XIII – Cost of Compliance

- A. All costs associated with purchase, installation, survey, testing, replacement, maintenance, parts, and repairs of the backflow prevention assembly are the responsibility of the premises' owner or occupant.
- B. All costs associated with any disconnect or reconnect fees resulting from the enforcement of this chapter are the sole responsibility of the property owner.

Section XIV – Termination of Service

- A. Failure on the part of an owner, occupant, or person in control of a premises to install a required assembly, have it annually tested, repaired if necessary, and/or to discontinue use of all cross-



CITY OF GRASS VALLEY

P.O. Box 191 • Grass Valley, Oregon 97029 • (541) 333-2434

connections and physically separate cross-connections consistent with this chapter is cause for the City to discontinue City water service to the premises. In the case of an emergency or where an immediate threat public health, safety, or welfare is found to exist by the City in its reasonable and sole discretion, discontinuance or termination of public water service to the premises may be immediate.

- B. In lieu of termination of service, the City may (at the premises' owner's expense) install a reduced pressure backflow assembly at the meter. Testing, maintenance and repair thereof shall be the continuing responsibility of the premises' owner. Any costs incurred by the City pursuant to this section shall be made an assessment lien on the premises.

Section XV – Falsifying Information

Any person who knowingly makes any false statement, representation, record, report, or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any backflow assembly, device, or method required under this chapter shall be subject to civil and/or criminal penalties provided by State law.

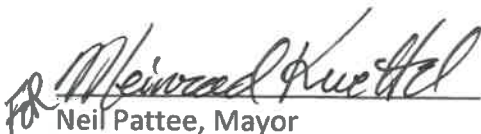
Section XVI – Reimbursement of Pro-rata Portion of Cost of Extending Water or Sewer Lines

- A. If a property owner is required by the City to pay the cost of extending sewer and/or water lines past and adjacent to property other than his or her own for the purpose of furnishing service to his or her own property, and if as a result of such extension, sewer, and/or water service becomes available to such other property without further material extension of such lines, then the City Council may require the owners of such other benefited property to refund to the initial person required to pay the cost of extending such lines a prorated portion of the cost of the extension prior to providing service to that other property. The right to require such refund shall not continue for more than five (5) years after the date of the installation of the extension of the water or sewer lines. The prorated portion of the initial cost to be refunded by the other property owner to the person initially paying the cost shall be determined by the City Council and such determination shall be final.
- B. The prorated share shall be paid directly to the person who paid the initial cost of extension of the water and sewer lines and a receipt evidencing such payment duly executed by the person initially paying the cost of such extension shall be provided to the City Administrator prior to allowing the other benefited property owner to connect to the sewer or water lines.

Submitted to the City Council and read the first time on the 19th day of May, 2021.

Read in full the second time and passed by the City Council on the 7th day of June, 2021.

APPROVED THIS 7th DAY OF June, 2021.


Neil Pattee, Mayor

Attest:


Whitney Nogle, City Administrator