



Location: City Hall – Council Chambers
Date: April 11, 2023
Time: 6:00 PM

City Council Meeting Agenda

Mayor Jason Beebe, Council Members Steve Uffelmann, Janet Hutchison, Shane Howard, Gail Merritt, Scott Smith, Raymond Law and City Manager Steve Forrester
ATTEND TELEPHONICALLY BY CALLING 346-248-7799 Meeting ID: 947 5839 2608 Passcode: 123456

Call to Order

Flag Salute

Additions to Agenda

Consent Agenda

1. Regular Meeting Brief 3-28-2023

Visitors, Appearances and Requests

Council Presentations

2. Prineville Downtown Association Presentation - Bryan Iverson

Council Business

3. Consideration of LOC Support for Statewide Homeless Response - Mayor Beebe/Councilor Hutchison
4. Regional Housing Rehabilitation Grant Closing Update (**Public Hearing**) - Andrew Spreadborough
5. Draft Findings for Personal Services Contract for Prineville Water Treatment Plant (**Public Hearing**) - Casey Kaiser

Staff Reports and Requests

6. City Manager's Report - Steve Forrester

Committee Reports

Ordinances

7. Ordinance No. 1283 - Updating Chapter 52 (Water) of the Prineville Code (**SECOND PRESENTATION**) - Josh Smith

Resolutions

Visitors, Appearances and Requests

Adjourn

Agenda items maybe added or removed as necessary after publication deadline



CITY OF PRINEVILLE
Regular Meeting Brief
387 NE Third Street – Prineville, OR 97754
541.447.5627 ph 541-447-5628 fax

Full Meeting Recordings Available at:
<http://cityofprineville.com/meetings/>

City Council Meeting Brief
March 28, 2023

Council Members Present:

Scott Smith
Shane Howard
Janet Hutchison
Jason Beebe
Ray Law
Steve Uffelman

Council Members Absent

Gail Merritt

Additions to the Agenda

None

Consent Agenda

1. Regular Meeting Brief 3-14-2023
2. PD Property Conversion

Councilor Hutchison made a motion to approve consent agenda as presented. Motion seconded. No discussion on motion. All in favor, motion carried.

Visitors, Appearances and Requests

3. Introduction of New Parks & Recreation Executive Director – Steve Waring

Ruthie McKenzie, Board Secretary introduced Steve Waring and provided some of Mr. Waring's background.

Mr. Waring explained that he started his new position the prior week. He will be doing meetings soon with the city and county to get better introduced. Mr. Waring explained that Duane had keyed up a lot of great projects and he is ready to get these projects going.

Steve Forrester, City Manager talked about the tax abatement program and said he would like to bring Mr. Waring into those discussions to help strengthen the Parks & Recreation's financial position in the future.

Jeannie Zerby, Prineville resident found an idea regarding painting power poles while visiting another community and distributed pictures. Ms. Zerby explained that they have already talked to businesses on Main Street and they are all in support. They are not asking for any money, just asking if Council would say if they like it or not. The poles would be painted by professional artists and they will maintain them.

Council agreed that they like the idea.

Council Presentations

None.

Council Business

4. Intent to Award EV Charging Station Project – Josh Smith

Josh Smith, Planning Director went over why they used a scoring process for a request for proposals (RFP) rather than a bidding process which is why the staff report looks a little different than usual. Part of the request is whether Council wants to spend extra money if needed or to stick with the \$200,000 grant amount.

Mayor Beebe asked if the grant can be used with someone private who can match. Mr. Smith responded that we can and it is the city's hope to eventually turn it over to a private company to maintain.

Discussions continued regarding time frame to complete the project per grant requirements and other funding becoming more available. ODOT is going to be doing charging stations too.

Mr. Smith explained that when you look at a map where charging stations are available for drivers, there is a dark hole over Crook County. The next nearest EV station is in John Day, so Prineville would be a place to charge to make it further east. EV tourists will go around black holes. There will be a charging fee, so it would be similar to going to a gas station.

Mayor Beebe asked if we could ask Crook County to partner with us for anything over the \$200,000.

Mr. Forrester stated that he thinks we need to act since more and more electric vehicles are coming on board and the need is coming our way with more car manufacturers moving towards electric. We can approach other partners too such as the Chamber.

Discussion continued regarding contingencies being for unexpected expenses and backfilling from other sources. Being uncertain of the demand and being a welcoming community by offering a charging station.

Scott Smith made a motion to approve the intent to award to Kuenzi Electric Inc. Motion seconded. Discussions on motion that staff will do due diligence to stay within the \$200,000.00 and that if it goes over the grant amount will go for additional funding if needed and report back to Council. Giving a little wiggle room to get the project done if it comes out to \$205,000.00 or \$215,000.00 without having to come back to Council. Jered Reid, City Attorney provided legal advice regarding the approval and Mr. Forrester's authority to move forward if it is under a certain amount. No further discussions on motion. All in favor, motion carried.

5. Intent to Award 2023 Street Striping Project – Justin Severance

Justin Severance, Street Supervisor presented the staff report. He explained that we received one bid and it was from the same company that we used before. Prices for materials have increased since the last time.

There were no more questions.

Councilor Hutchison made a motion to approve the intent to award the 2023 Street Striping Project to Specialized Pavement Markings. Motion seconded. No discussion on motion. All in favor, motion carried.

Staff Reports and Requests:

6. City Manager's Report– Steve Forrester

Mr. Forrester went through his report highlighting each department and included a snow report explaining we are significantly above average with over twice as much snow then what we had last year.

7. Drought Declaration Update – Mike Kasberger

Mike Kasberger, Assistant City Engineer explained that in January the County asked the Governor to declare a drought. In February, the Governor granted the request. It is required that we come before Council to notify the Council. There is no ask at this time, just a notification.

Councilor Hutchison asked that by having the declaration if it frees up state funding if needed. Mr. Kasberger explained that it does.

Committee Reports

Councilor Hutchison provided an Ochoco Collaborative Committee meeting update explaining that they will be receiving \$60,000 of Title II funds and also received a Meta grant for \$20,000 that will help fund the Collaborative’s operations. Mr. Profily had attended their last meeting to talk about cloud seeding and stated that he had testified in Salem in support of cloud seeding legislation. Lemon Gulch is still being reviewed, strategic planning, prescribed burns and areas of priority.

There were no other reports.

Ordinances:

8. Ordinance No. 1283 – Updating Chapter 52 (Water) of the Prineville Code (FIRST PRESENTATION) – Josh Smith

Mr. Smith provided the background information for the ordinance explaining that this is just updating the ordinance for how things are actually done today. The ordinance has been reviewed by the Finance Department, Planning Department and by our attorney.

There were no questions.

Councilor Smith made a motion to approve the first presentation of Ordinance No. 1283. Motion seconded. No discussion on motion. All in favor, motion carried.

Resolutions

9. Resolution No. 1551 – Authorizing the City to Enter Into an Intergovernmental Agreement with the State of Oregon Through Its Department of Forestry– Jered Reid

Mr. Reid provided the background information explaining that we do this every year for their lease. It allows the Department of Forestry to locate fire fighting equipment at the airport and is the same template with only the dates changing.

There were no questions.

Councilor Howard made a motion to approve Resolution No. 1551. Motion seconded. No discussion on motion. All in favor, motion carried.

Visitors, Appearances and Requests:

No one came forward.

Adjourn

Councilor Smith made a motion to adjourn the meeting. Motion seconded. No discussion on motion. All in favor, motion carried.

Meeting adjourned at 7:05 P.M.

Motions and Outcomes:

Motion:	Outcome	Beebe	Howard	Hutchison	Law	Merritt	Smith	Uffelman
Consent Agenda	PASSED	Y	Y	Y	Y	-	Y	Y
Intent to Award EV Charging Station Project to Kuenzi Electric	PASSED	Y	Y	Y	Y	-	Y	Y
Intent to award the 2023 Street Striping Project to Specialized Pavement Markings	PASSED	Y	Y	Y	Y	-	Y	Y
Ordinance No. 1283 – Updating Chapter 52 (Water) of the Prineville Code (FIRST PRESENTATION)	PASSED	Y	Y	Y	Y	-	Y	Y
Resolution No. 1551 – Authorizing the City to Enter Into an Intergovernmental Agreement with the State of Oregon Through Its Department of Forestry	PASSED	Y	Y	Y	Y	-	Y	Y
Adjourn Meeting	PASSED	Y	Y	Y	Y	-	Y	Y

Public Records Disclosure

Under the Oregon public records law, all meeting information, agenda packets, ordinances, resolutions, audio and meeting briefs are available at the following URL:

<https://www.cityofprineville.com/meetings> .

JASON



Local Funding Needed To Support Statewide Homeless Response



Cities are on the front lines of Oregon's homeless crisis, yet the needed response exceeds any one city's individual capacity. While active projects, programs, and partnerships are in place in many communities in Oregon, the state has an opportunity to build on recent investments and partner with local governments to make an immediate and impactful difference. We need state leadership to allocate direct funding that is scaled to swiftly respond to the gravity of this crisis.

The Oregon Mayors Association (OMA) formed a Homelessness Taskforce in May of 2022 that brought together 25 mayors from across the state to develop a response to homelessness that would help all communities statewide, regardless of size or location. The OMA Homelessness Taskforce plan to equitably, humanely and timely address the homelessness crisis in Oregon is a partnership between the state of Oregon and its 241 cities. This partnership will establish and expand local, community-based responses that provide immediate shelter and needed services to both prevent and respond to homelessness.

Our Plan:

The OMA proposes two separate yet parallel budget proposals. A budget package that provides **flexible, ongoing, and direct funding to cities** for homelessness response and prevention services and a budget package that includes capital improvement funding for cities.

Direct Allocation:

The OMA recommends a direct allocation of funding from the state to each incorporated city in Oregon for cities to use in their homelessness response and prevention services.

Each city will be allocated funds equal to \$40 per resident, per the latest official population estimates from Portland State University, with each incorporated city receiving a minimum of \$50,000 in direct funding.

Cities will have the ability to use the funds for their homelessness response and prevention services directly, pool resources regionally, or redirect funds to county or community partners.

Homelessness response and prevention services may include:

- Abatement/clean-up
- Environmental mitigation
- Affordable housing
- Capital construction or improvement costs related to homelessness or affordable housing measures
- Community resource officers
- Education and outreach
- Food bank assistance
- Shelter and/or transitional housing
- Hygiene stations
- Operation costs
- Outreach workers
- Prevention

Capital Allocation:

Cities require a meaningful allocation from the state for coordinated capital construction investments for specific shelter and transitional housing projects statewide. The final dollar amount for needed capital construction investments is approximately \$150 million.

Homelessness Taskforce Members

Mayor Teri Lenahan, North Plains & OMA President	Mayor Jeff Gowing, Cottage Grove & Past OMA President*
Mayor Julie Akins, Ashland	Mayor Lacy Beaty, Beaverton
Mayor Gena Goodman-Campbell, Bend*	Mayor Meadow Martell, Cave Junction
Mayor Beth Wytoski, Dayton*	Mayor Jim Trett, Detroit
Mayor Lucy Vinis, Eugene	Mayor Carol MacInnes, Fossil*
Mayor Travis Stovall, Gresham	Mayor Dave Drotzmann, Hermiston
Mayor Steve Callaway, Hillsboro & LOC President	Mayor Kate McBride, Hood River*
Mayor Carol Westfall, Klamath Falls	Mayor Ray Turner, Lakeview
Mayor Randy Sparacino, Medford	Mayor Jessica Engelke, North Bend
Mayor Ted Wheeler, Portland	Mayor Michael Preedin, Sisters
Mayor Richard Mays, The Dalles	Mayor Jason Snider, Tigard*
Mayor Rod Cross, Toledo	Mayor Tom Vialpando, Vale
Mayor Henry Balensifer III, Warrenton	*No longer serving in the position of mayor, however, the city represented by this person remains supportive of the proposal

The task force, consisting of 25 mayors from across the state, was created in May to develop a response to homelessness that would help all communities statewide, regardless of size or location, to address the issue.

With a \$50,000 guarantee for all cities, and a \$40.00 per resident multiplier in place, based on the April 19, 2022, PSU population estimates, the total amount requested equals \$123,575,800.00 annually.

While the homelessness crisis may seem insurmountable, given that the symptoms and solutions look different between urban and rural communities and vary based on a city's size, geography, and available service providers, Oregon's mayors have developed a solution. The state of Oregon and its 241 cities must collaborate to establish and expand local, community-based responses. It is local, community-centered programs that provide immediate shelter and needed services for unhoused Oregonians. Oregon's mayors are leading the on-the-ground response to homelessness, but cannot do so alone and need partnership from state government to support cities and our community partners. We call on Oregon's governor and legislature to fund the services and housing necessary to make meaningful progress on Oregon's homelessness crisis.

OMA Taskforce on Homelessness Funding Proposal Media Briefing



112 Oregon Cities have signed on to support this proposal with more joining every week.

Albany, Amity, Ashland, Astoria, Banks, Bay City, Beaverton, Bend, Boardman, Brookings, Canby, Canyonville, Carlton, Cave Junction, Central Point, Chiloquin, Coburg, Coos Bay, Cornelius, Corvallis, Cottage Grove, Dallas, Dayton, Depoe Bay, Detroit, Durham, Echo, Eugene, Fairview, Florence, Fossil, Garibaldi, Gearhart, Gervais, Gold Beach, Grants Pass, Gresham, Hermiston, Hillsboro, Hines, Hood River, Independence, Irrigon, Jefferson, John Day, Keizer, Klamath Falls, Lake Oswego, Lakeview, Lebanon, Lincoln City, Lowell, Manzanita, Maupin, McMinnville, Medford, Mill City, Millersburg, Milwaukie, Molalla, Monmouth, Mosier, Myrtle Creek, Nehalem, Newport, North Bend, North Plains, Nyssa, Ontario, Oregon City, Pendleton, Port Orford, Portland, Powers, Rainier, Redmond, Seaside, Siletz, Sisters, Sodaville, St. Helens, Stanfield, Stayton, Sutherlin, Sweet Home, The Dalles, Tigard, Tillamook, Toledo, Troutdale, Umatilla, Union, Vale, Veneta, Vernonia, Waldport, Warrenton, Waterloo, Wheeler, Willamina, Winston, Wood Village, Woodburn



STAFF REPORT

MEETING DATE:	4/11/2023	PREPARED BY:	Casey Kaiser
SECTION:	Council Business	DEPARTMENT:	Public Works
CITY GOAL:	Quality Municipal Services & Programs		
SUBJECT:	Public Hearing for Draft Finding for a personal services agreement for the City's ASR Water Treatment Facility and Well Field		

REASON FOR CONSIDERATION:

The City's new ASR Water Treatment Facility and associated well field form the backbone of the Aquifer Storage and Recovery system. The facility currently requires additional trouble shooting and development to reach its maximum production capacity. Due to the highly technical nature of the facility, the City requires a qualified expert to perform these services. Additionally, the City finds it would be most efficient to include in the same contract the development of standard operating procedures for the facility as well as the creation of the Operation and Maintenance Manual for the facility.

With the approaching summer season, it is important to get this contract in place so the next phase of work can begin before the higher seasonal demands on the City water system begin.

Divergent Engineering Services is uniquely positioned to deliver the required services based on the findings in the attached Draft Findings and those reasons listed below.

- Divergent has experience with the conceptual development and construction of the facility as well as the functional operation of the entire ASR system
- Divergent has the required Oregon Health Authority Drinking Water System Operator Level 2 Certification and is Registered in the State of Oregon as a Professional Civil Engineer with a focus in Water Resources and Environmental
- Divergent has the capacity and capability to perform the work within the necessary time limitations
- Divergent has relationships with capable vendors to provide the required specialty services for different components of the facility.
- Because of the unique nature of the system and filtration technology any other firm will have a steep learning curve to overcome in order to accomplish the goals of the contract

BACKGROUND:

In 2021 the City completed construction of a well field consisting of 17 production water wells along with a water treatment facility designed to treat the water from the well fields and deliver it to the City of Prineville potable water system. The entire facility is designed to

function as part of the City's Aquifer Storage and Recovery system by providing a stable source of water for injection into the aquifer during winter time low water demand periods. During the high demand summer months, the water provided by this facility supplements the production from the remainder of the City water system adding resiliency and capacity.

Due to the advanced and highly technical nature of the ASR system, adjustment and development of the water treatment plant operation, well field, filtration system, chlorine production system, and all the control and monitoring systems is necessary and anticipated to get the system to peak performance.

Below are key factors that contributed to the recommendation to contract out the proposed work.

- The ASR project including this critical facility is groundbreaking and the first of its kind in some regards. As such it is an anticipated process to adjust and develop the capacity of the facility.
- The facility is highly technical relying on electronic monitoring and control systems to operate. These systems require coding, experimentation and adjustment to achieve optimal performance.
- The well field contains 17 individual production wells. This is more than the total of all the currently used production wells in the rest of the City's potable water system. These wells with their associated pumps, drives and motors will require routine maintenance and repairs.
- Our staff does not have the technical knowledge, specific expertise or capacity to provide the next phase of tuning and development of the facility, and to develop the optimal operational procedures for the facility.
- An operation and maintenance manual is critical to provide the basis for the efficient future operation of the facility.

FISCAL IMPACT: The contract would be for time and materials and is estimated to cost \$350,000 over the course of 12 months. Staff has coordinated with finance and confirmed the availability of funding for the proposed contract.

RECOMMENDATION:

Staff recommends Council adopt the Draft Findings as presented.

ADDITIONAL DOCUMENTS: Draft Findings

Draft Findings for Personal Services Contract for Prineville Water Treatment Plant Operations
Divergent Engineering Services, LLC

City Staff recommends that the Council make the following findings as their basis for approval, if they approve, a personal services contract for the development for the Prineville Water Treatment Plant Operations with Divergent Engineering Services, LLC, hereinafter “Divergent.”

1. Total costs to the City for delivery of services:
 - The total costs are estimated not to exceed \$350,000.00. Divergent will provide services on a time and materials basis with a markup of eight percent (8%). Approximately \$113,800.00 of the costs are payments to subcontractors.
2. Expertise of Divergent in the required area of specialty:
 - Divergent is familiar with the Water Treatment Plant design and has experience with the plant operations and the water treatment technology utilized. Divergent has the required Oregon Health Authority Drinking Water System Operator Level 2 Certification and is Registered in the State of Oregon as a Professional Civil Engineer with a focus in Water Resources and Environmental.
3. References regarding prior work done by the Divergent:
 - City has been provided sufficient references regarding past work completed by Divergent.
4. Capacity and capability to perform the work, including any specialized services within the time limitations for the work:
 - Divergent has the capacity to perform the work within the time limitations. Divergent has relationships with capable vendors to provide the required specialty for different components of the facility.
5. Educational and professional records, including past records of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability in schedules, and contract administration, where applicable:
 - See Factors 2 and 8.
6. Availability to perform the assignment and familiarly with the area in which the specific work is located:
 - Divergent is available to perform the work.
7. Timelines of delivery of service:

- Divergent is able to deliver the services requested within the timeline required by the City.

8. Experience in working with the City:

- Divergent staff has a long history of working with the City. City staff found Divergent's work highly satisfactory, timely provided, and reasonably priced.

9. Knowledge of the City's needs and desires related to the Contact:

- Divergent and City have discussed the project in detail and Divergent is fully aware of the City's needs and desires related to the project. Divergent has the institutional knowledge regarding the City's needs and desires regarding the Water Treatment Plant.

City Manager Update to Council

April 11, 2023

Public Safety / Dispatch

Sam has an interview with a dispatch candidate with two dispatch supervisor positions open. Filling these positions will put dispatch at almost fully staffed.

Larry and Rob had more training last week and working on anticipated policy changes regarding changes to firearm ownership and purchase requirements initiative resulting from Measure 114 passing in 2022. It has since had several lawsuits filed opposing this measure. It is now set for trial in the Oregon Supreme Court and if upheld, will result in policy changes.

Two of the four candidates in background are getting close to being completed.

Public Works

Public Works is moving towards the resiliency waterline project with Meta. Crews have been hauling rock to prepare for upcoming waterline projects. They continue to make street sweeping a priority to get the cinders and debris from winter cleaned up.

They continue to work on the Water and Wastewater Master Plans.

Cost estimate and scope of work is being developed for the final design of the Peters and North Main intersection.

The crews have been assisting the WWTP with potholing and locating for Anderson Perry's design efforts for the lab and met with DEQ last week and got confirmation that the city's testing is all going well for our permit renewal.

The WWTP staff visited with the wetlands volunteers last Friday to get a tour of everything they have been doing out there. They have been so helpful in keeping the wetlands in great shape and to the community and visitors. Staff continues to work with the volunteer group on the stewardship of the wildlife observation and recreation related facilities at the wetlands.

Rail Road

The Rail Road continues with business as usual.

Meadow Lakes Golf

Meadow Lakes has been busy as weather allows. The course is about a month behind with grass growing due to the weather. Leagues are about ready to start up. Ron's is having an Easter Brunch, which was the first brunch since COVID.

Airport

Two hangars have been completed, with two more are underway with framing and concrete. Kelly has received proposals for four more additional hangars. Erickson's Air is expected to pick back up at the end of the month. The US Department of Forestry is basing an aircraft at the airport for the summer. Fuel sales have been great with over 40,000 gallons sold in the last couple of weeks.

Planning

There are three industrial projects moving forward at the moment. Wilco's grand opening was very well attended and successful. The new smaller Walgreens is vertical and located adjacent to Wilco. Auto Zone will be going in by Walgreens and there is a car wash chain interested in developing there as well.

Human Resources

Darla has been busy with several ongoing recruitments in Dispatch, PD, Meadow Lakes seasonal staff, IT field technician, and service manager. She will soon be recruiting for an associate planner and HR Director since she will be retiring at the end of August.

Information Technology

The Google issue with city emails has been resolved finally. They have been working on Police Department vehicle decommissions and the four new vehicles will be outfitted soon with the additional equipment. The IT Department is recruiting for a field technician who has experience with tower sites and vehicle equipment installs.

Finance

Finance continues to work on the numbers and design of the upcoming budget. The budget document will be distributed electronically this year rather than the binders, unless otherwise requested. This will also save time and money in production of the physical binders.

City Recorder/Risk Management

It is insurance renewal time for all of the city's policies which is quite a process. We are anticipating increases across the board which is based on the state of the industry for everyone.

City Legal – No Update

EDCO – No Update

Public Relations

The Central Oregonian covered Officer Nesbitt's life saving award experience and other media outlets are expected to report on that as well.

Josh and Casey were both interviewed regarding Crook County being the fastest growing county in the state.

Mayor/Council

Other

The city continues to engage and testify in support of the enterprise zone extension. There are eight bills in various committees and will likely be combined.

Participated in Snowtel site visits recently. As of the date this report was prepared the two Bureau of Reclamation (BOR) sites near Walton Lake were at 373% of normal. Two BOR snow melt off models indicated that the Prineville reservoir could see between 80,000 – 130,000 acre feet out of 150,000 capacity.

Staff continues to work on options for the old police building with several ideas that the city has been approached on.

ORDINANCE NO. 1283

AN ORDINANCE ADOPTING CHANGES TO PRINEVILLE CODE CHAPTER 52

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

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

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

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

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

Rodney J. Bebee, Mayor

ATTEST:

Lisa Morgan, City Recorder

CHAPTER 52: WATER

Section

- 52.001 Rules and regulations
- 52.002 Definitions and general terms
- 52.003 Service area
- 52.004 Description of service
- 52.005 Application for water service
- 52.006 System Expansion
- 52.007 Service
- 52.008 Meters
- 52.009 Water rates
- 52.010 Notices
- 52.011 Billing and payment
- 52.012 Meter error
- 52.013 Suspension of service
- 52.014 Restoration of service
- 52.015 Unusual demands
- 52.016 Access to property
- 52.017 Responsibility for equipment
- 52.018 Fire hydrants
- 52.019 Backflow prevention requirements
- 52.020 Irrigation
- 52.021 Suspension of rules
- 52.022 Easement
- 52.023 Connection to Public Water Required
- 52.045 Critically affected area
- 52.999 Penalties

52.001 RULES AND REGULATIONS.

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

52.002 DEFINITIONS AND GENERAL TERMS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52.003 SERVICE AREA.

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

52.004 DESCRIPTION OF SERVICE.

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

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

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

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

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

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

52.005 APPLICATION FOR WATER SERVICE.

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

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

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

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

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

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

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

52.006 SYSTEM EXPANSION.

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

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

52.007 SERVICE.

(A) *Ownership and maintenance.*

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

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

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

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

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

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

(F) *Standby fire protection.*

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

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

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

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

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

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

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

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

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

(I) *Customer's plumbing.*

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

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

52.008 METERS.

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

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

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

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

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

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

52.009 WATER RATES.

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

52.010 NOTICES.

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

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

52.011 BILLING AND PAYMENT.

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

(B) *Rendering of bills.*

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

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

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

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

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

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

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

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

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

(F) *Delinquent accounts.*

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

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

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

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

(G) *Collection of bills.*

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

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

(H) *Refusal of service.*

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

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

52.012 METER ERROR.

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

(B) *Meter test.*

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

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

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

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

52.013 TRANSFER & SUSPENSION OF SERVICE.

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

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

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

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

(D) *Improper customer facilities.*

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

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

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

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

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

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

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

52.014 RESTORATION OF SERVICE.

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

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

52.015 UNUSUAL DEMANDS.

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

52.016 ACCESS TO PROPERTY.

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

52.017 RESPONSIBILITY FOR EQUIPMENT.

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

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

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

52.018 FIRE HYDRANTS.

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

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

52.019 BACKFLOW PREVENTION REQUIREMENTS.

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

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

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

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

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

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

52.020 IRRIGATION.

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

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

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

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

52.021 SUSPENSION OF RULES.

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

52.022 EASEMENT.

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

52.023 CONNECTION TO PUBLIC WATER REQUIRED.

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

52.045 CRITICALLY AFFECTED AREA.

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

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

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

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

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

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

52.999 PENALTIES.

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