



# Falls City Oregon City Council Meeting

Monday, November 6, 2023 at 6:00 pm

## Meeting Location

320 N Main St • Falls City, OR 97344

## How to Attend and/or Participate

1. In Person: 320 N Main St. Falls City, OR 97344
2. Call-in: a. 1-253-215-8782 b. Meeting ID: 878 7406 4319  
You will be muted but may “raise your hand” to indicate you wish to comment.
3. Web Application: Zoom Webinar <https://us06web.zoom.us/j/87874064319>  
You will be muted but may “raise your hand” to indicate you wish to comment during Public Comments.
4. Write-In: Using regular mail or email. a. [info@fallscityoregon.gov](mailto:info@fallscityoregon.gov); 299 Mill St. Falls City, OR 97344

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### 1. CALL TO ORDER & ROLL CALL

Mayor TJ Bailey, Council President Houghtaling, Councilor Nick Backus, Councilor Martha Jirovec, Councilor Tony Meier, Councilor Dennis Sickles, Councilor Lori Jean Sickles

### 2. PLEDGE OF ALLEGIANCE

### 3. ANNOUNCEMENTS, APPOINTMENTS, APPRECIATIONS, & PROCLAMATIONS

### 4. PUBLIC COMMENTS & LETTER COMMUNICATIONS

In order to encourage an environment of openness, courtesy and respect for differing points of view, please refrain from behavior that is disruptive to the meeting such as making loud noises, clapping, shouting, booing, or any other activity that disrupts the orderly conduct of the meeting. Abusive language will not be tolerated.

Please limit your commentary to 3 minutes or less.

## 5. CONSENT AGENDA

### a. October 10, 2023 Minutes

#### Attachments:

- **Minutes** (2023.10.10\_Council\_Minutes.pdf)

## 6. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS

### a. Mayor's Report

### b. Councilor Comments

### c. Public Works Committee Report

#### Attachments:

- **Minutes** (UAB10.19.23.pdf)

### d. Historic Landmark Committee Report

#### Attachments:

- **Minutes** (HLC\_meeting\_minutes.pdf)

## 7. REPORTS FROM CITY MANAGER & STAFF

### a. Falls City Fire Report

#### Attachments:

- **October Report** (Council\_Report\_Calls\_for\_\_11-23.pdf)

### b. Polk County Sheriff Report

#### Attachments:

- **August Report** (2023\_August\_Falls\_City\_Stats.pdf)
- **September Report** (2023\_September\_Falls\_City\_Stats.pdf)

### c. Falls City Public Works Report

#### Attachments:

- **October Report** (October\_PW\_report.pdf)

### d. City Manager's Report

#### Attachments:

- **Report** (2023.11.06\_Monthly\_Manager\_s\_Report.pdf)

## 8. ORDINANCES

### a. Ordinance 562-2023

#### Attachments:

- **Staff Report** (NP\_-\_11.06.2023\_SR\_Main\_Street\_Parking.pdf)
- **Ord. 562-2023** (NP\_-\_Ordinance\_562-2023\_North\_Main\_Street\_Parking.pdf)

**b. Ordinance 563-2023**

**Attachments:**

- **Staff Report** (BFO\_-\_2023.10.10\_SR\_Repeal\_of\_BackFlow\_Device\_Ordinance\_to\_Match\_State\_Statute.pdf)
- **Exhibit A** (BFO\_-\_Ordinance\_97-464\_Cross\_Connection\_Program.pdf)
- **Ord. 563-2023** (BFO\_-\_Ordinance\_563-2023\_Cross\_Connection\_Program.pdf)

**c. Ordinance 564-3023**

**Attachments:**

- **Staff Report** (NPS\_-\_11.06.2023\_SR\_Main\_Street\_Parking\_-\_SS.pdf)
- **Ord. 564-2023** (NPS\_-\_Ordinance\_564-2023\_North\_Main\_Street\_Parking\_-\_South\_Side.pdf)

**9. GOOD OF THE ORDER**

**10. ADJOURN**

Posted for Public at the City Hall Bulletin Board, Community Center, & Falls City Website

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Contact: Jeremy Teal, City Recorder (jteal@fallscityoregon.gov 503.787.3631) | Agenda published on 11/02/2023 at 11:37 AM

<b>FALLS CITY CITY COUNCIL</b>		<b>TUESDAY, OCTOBER 10, 2023</b>
The Falls City City Council met in regular session on Tuesday, October 10, 2023 at 6:00 p.m. in the Community Center located at 320 N. Main Street		
<b>Council Members Present:</b> Council President Amy Houghtaling, Councilor Nick Backus, Councilor Martha Jirovec, Councilor Tony Meier, Councilor Dennis Sickles, and Councilor Lori Jean Sickles		
<b>Staff Present:</b> City Manager AJ Foscoli, City Recorder Jeremy Teal		
<b>AGENDA</b>		<b>ACTION</b>
<b>Announcements, Appointments, Appreciations &amp; Proclamations</b>	Mayor Bailey read a proclamation for Breast Cancer Awareness Month for October 2023.	
<b>Transitional Shelter Program Presentation</b>	<p>DJ Vincent gave a brief presentation regarding the Church at the Park transitional shelter program throughout Polk and Marion County.</p> <p>Due to the delicate nature of the topic the City Staff has decided to not include the abbreviated statements and questions trying to be made. There were many pertinent statements made and questions asked. The staff encourages everyone to listen to the audio for a full account of the evening's proceedings.</p> <p><a href="https://youtu.be/UTCf75FW_II">https://youtu.be/UTCf75FW_II</a></p> <p>This link has been added to the City of Falls City website and Facebook page.</p>	
<b>Public Comment</b>	<p>Mayor Bailey opened the public comments at 7:42 pm</p> <p>Mel Priday, 146 Sheldon, complimented the city public works for cleaning the ditches and doing a god job to allow drainage.</p> <p>Tracy Young, 68 prospect, asked if the Council agendas could be posted in more locations.</p> <p>Chris Martin, 112 Bridge, noted the presentation stated no outside people would be brought to Falls City, but if a 20-bed facility was added and it was only half full with Falls City residents that it was reasonable to think they wouldn't leave the half empty, they would bring people in to fill the spots. He mentioned that the stats have a 65% success rate after 90 days and 35% wash out.</p>	

Linda Axford, 990 Parry, noted that having no police was an issue in Falls City. She stated they would come from outside the city and bring more drugs, more crime, and more violence with no law enforcement in place. She mentioned she worked at the food bank and could barely meet the needs of the community. She stated there were many things to address before any presentation should have happened.

Jim Miner, 68 Prospect, noted there were burned-out houses around town and nothing was being done about it. Mayor Bailey noted the dangerous building ordinance was just passed and it was a major concern and the City would be addressing it.

Tonja Geddes, 256 Pine, noted the trash and stuff on Pine Street with 2 trailers with windows busted out was dangerous for motorists. She asked if anything could be done. Councilor Meier stated it needed to be determined if the situation was on city property or landowner property.

Butch Stamps, 256 Pine, noted he had his house broken into and items stolen from his property and the Deputies have done nothing to help except take the report.

Kay Dixon, 213 Fairview, reported the stats regarding homeless people substance abuse was 68% with 38% abusing alcohol, 28% abusing drugs, and 1/3 having mental illness. She noted this small community could be hurt with a homeless shelter.

Mayor Bailey stated that if the project would cost the city, then it would not happen.

Jeremy Schultz, Dallas, noted he was a peer support specialist in a different town and county in Oregon. He mentioned that Church at the Park wouldn't need to bring anyone to Falls City, but that word of mouth and the communication process that homeless rely on with each other would get the word out and they would all come

	<p>to Falls City for the services. He stated there was a need, but there was a better way.</p> <p>Tina Thompson, 197 Fair Oaks, noted that she helped a homeless man in Salem going through the dumpster looking for socks. She mentioned she gave him some socks and that a year and a half later he tracked her down and was knocking on her door. She stated she had tweakers coming by her house on Fair Oaks daily and the trailers were causing a serious traffic issue.</p> <p>Mayor Bailey noted the trailers were an expensive and hard to get rid of issue the city deals with daily. He mentioned it could be thousands to remove a trailer.</p> <p>Mayor Bailey thanked everyone for coming and their input. He noted that the best way to solve a problem was to have people help us. He mentioned that IF anything moved forward there would be a lot to talk about before anything happened.</p> <p>Mayor Bailey read a letter from the Falls City School District regarding the homeless encampment on Fair Oaks.</p> <p>Mayor Bailey closed the public comments at 8:07 pm</p>
<p><b>Consent Agenda</b></p> <ul style="list-style-type: none"> <li>a) September 11, 2023 Minutes</li> <li>b) September 25, 2023 Minutes</li> </ul>	<p>It was moved by Councilor D Sickles to approve the Consent Agenda as presented. The motion was duly seconded by Councilor Backus and CARRIED with a vote of 6-0 with Councilors Backus, Jirovec, Meier, D Sickles, LJ Sickles and Council President Houghtaling voting YES.</p>
<p><b>Reports or Comments from Mayor and Council Members</b></p> <ul style="list-style-type: none"> <li>a) Mayor's Report</li> <li>b) Councilor Comments</li> </ul>	<p>Mayor Bailey noted that Saturday, Sept 30 was the RDI visioning meeting and around 20 people attended. He mentioned the next meeting would be Saturday, October 28 at noon to 3 pm. He reported the Skate park had the designs finalized and he was pursuing grants.</p> <p>There were no comments.</p>

<p>c) Public Works Report</p> <p>d) Historic Landmark Committee Report</p>	<p>There were no comments.</p> <p>Council President Houghtaling noted the CLG did their audit this year and the committee was on track for their four meetings this year.</p>
<p><b>Reports from City Manager &amp; Staff</b></p> <p>a) Fire Report</p> <p>b) Public Works Reports</p> <p>c) City Manager’s Report</p>	<p>There were no comments.</p> <p>There were no comments.</p> <p>Mr. Foscoli gave his report regarding the wastewater project; the wet weather and laying the liners have unfortunately moved the timeline to next spring and filling the liners for testing October 15 to April 15. He noted this would add between 6-9 months to the project due to this setback. He mentioned that the DEQ requirements as part of the project is what slowed down the beginning stages over 6 weeks, pushing Strider to start later than expected. He noted the Football field had peaked before in heavy rains and would like to prevent that from happening again. He indicated he would ask DEQ to discharge into the river at a faster rate to alleviate the field and not affect any more field functions.</p> <p>Mr. Foscoli noted the Safe Routes to School was waiting to the end of November for approval. Council President Houghtaling asked that the information be shared with the School District.</p>
<p><b>Resolutions</b></p> <p>a) A Resolution 09-2023 – Backflow Fee Repeal</p>	<p>Mr. Foscoli reported this was from the Public Works Committee to repeal the Resolution which had much higher standards than the state. He noted that backflow testing costs had caught up with the service fees and by removing the backflow testing the city could remove the fee for all customers.</p> <p>It was moved by Council President Houghtaling to approve Resolution 09-2023, a resolution detailing fees for water and sewer service and related charges; and water and sewer connection fees; and repealing prior resolutions. The motion was duly seconded by Councilor Backus and CARRIED with a roll call vote of 6-0 with</p>

	<p>Councilors Backus, Jirovec, Meier, D Sickles, LJ Sickles and Council President Houghtaling voting YES.</p>
<p>Ordinances  ORDINANCE 563-2023 – Backflow Device Repeal</p> <p>ORDINANCE 562-2023 – No Parking on North Main Street</p>	<p>Mr. Foscoli noted this ordinance was in conjunction with Resolution 09-2023 and the repealing of the backflow testing.</p> <p>Mayor Bailey declared Ordinance 562-2023 to have passed its first reading.</p> <p>Mr. Foscoli stated this Ordinance would mitigate illegal parking on City’s right of way on North Main Street. He noted that all effected property owners were contacted.</p> <p>Theresa powers, 72 N main, stated she had no issues with parking in front of her house.</p> <p>Micah Fornier, 79 N Main Street, noted he was the resident parking in the right of way. He mentioned there was improper water drainage due to water running down the mountain and into the lower houses across the street. He stated he would bring in gravel to help remedy the issue. Mr. Foscoli noted the City staff wasn’t able to perform maintenance to that side of the street due to his parking several vehicles there.</p> <p>Council President Houghtaling asked if anyone had made a formal complaint about the excess water. Mr. Fornier stated that people had made complaints. Council President Houghtaling asked to research any complaints made about the water. Councilor Meier stated he had never heard anything about excess water.</p> <p>Councilor D Sickles stated he was hesitant to pass the Ordinance with all the background not being done. He asked what water had to do with vehicles being parked there. He mentioned that the school sign couldn’t even be seen. Mayor Bailey noted that even the digital one had been blocked from sight.</p> <p>Mr. Fornier noted he had no parking across the street and asked if he could turn his front yard into a parking lot.</p>



	<p>Councilor Meier stated he had heard many complaints about the parking and not being able to see to get out of driveways.</p> <p>Council President Houghtaling asked to make the motion or to table it. Councilor Meier stated to table it. Councilor D Sickles stated he would like to have the committee look at the water issue and table it for now. Councilor Jirovec suggested surveying the land and move the decision to the December Council meeting after the committee can do the work and invite the residents to come and give input.</p> <p>Mr. Fornier noted he would only park low profile vehicles so drivers could see the signs.</p> <p>Mr. Foscoli noted he would be welcome at the Public Works Committee meeting on Thursday, October 19<sup>th</sup> at 6 pm in the Community Center.</p> <p>Jeremy Gordon, 180 Dayton, noted the storm water master plan needed to be researched and suggested Mr. Foscoli investigate and see if funds and staff support for a stormwater master plan were available.</p> <p>It was moved by Councilor D Sickles to table Ordinance 562-2023 until the December Council Meeting. The motion was duly seconded by Councilor Meier and carried with a vote of 6-0 with Councilors Backus, Jirovec, Meier, D Sickles, LJ Sickles, and Council President Houghtaling voting YES.</p>
<p>Good of the Order</p>	<p>Councilor Jirovec noted the next RDI visioning meeting was Saturday, October 28 from noon to 3 pm and that the Thanksgiving dinner would be Saturday November 18<sup>th</sup> in the Community Center.</p> <p>Councilor D Sickles said the meeting was a good opportunity for community to come together though the high turnout was due to some misinformation in Facebook posts. A lot of major problems were mentioned tonight and the</p>

	<p>council will looking at some of those things, especially vehicle parking on right of way.</p> <p>Mayor Bailey said to come support the home football game. Councilor D Sickles mentioned that it was Homecoming week for high school. Volleyball on Thursday, Football on Friday  Council President Houghtaling encouraged attendance to the volleyball and football on Wednesday game starting at 7:00pm.</p> <p>Councilor Meier said that motorhomes illegally parked couldn't be towed if someone lives in them, as they are considered their homes. Councilor D Sickles admitted that is an issue.</p>
Adjourn	There being no further business the meeting was adjourned at 8:49 p.m.
<p>Read and approved this ____ day of _____ 2023.</p> <p>Mayor: _____</p> <p>ATTEST:</p> <p>City Recorder: _____</p>	

**City of Falls City**  
**Public Works Committee Meeting**  
Thursday October 19, 2023 6:00PM  
Meeting Location: 320 N. Main Street

**Committee Members Present**

Mike McConnell, Tony Meier, Jeff Propp, Gordon Hanson, Tracy Young, Cliff Lauder. City Manager AJ Foscoli. Members absent: Guy Mack

**1) Call to Order**

Chair McConnell called the meeting to order at 6:01 PM, took roll call.

**2) Pledge of Allegiance**

Chair McConnell led the Committee in the Pledge of Allegiance.

**3) Motion to Adopt the entire Agenda**

Member Meier moved and member Young seconded: **that we approve the entire agenda.** Motion carried 6-0-0. Ayes: Mike McConnell, Tony Meier, Jeff Propp, Gordon Hanson, Tracy Young, Cliff Lauder.

**4) Consent Agenda: Motion Action Approving Consent Agenda Items**

Member Meier moved and member Lauder seconded: **that we approve Consent Agenda Item, PWC Minutes August 24, 2023** (as per minutes provided). Motion carried 6-0-0. Ayes: Mike McConnell, Tony Meier, Jeff Propp, Gordon Hanson, Tracy Young, Cliff Lauder..

**5) Public Comment - None**

**6) New Business - None**

**7) Old Business**

**A. North Main Street No Parking**

There was no public comments regarding the issue.

Member Lauder made the motion to adopt the No Parking Zones on both sides of North Main Street.

Member Lauder moved and member Meier seconded: **that we approve the motion for No Parking Zones on both sides on North Main Street.** Motion carried 6-0-0. Ayes: Mike McConnell, Tony Meier, Jeff Propp, Gordon Hanson, Tracy Young, Cliff Lauder.

**8) Correspondence, Comments and Ex-Officio Reports**

**9) Committee Announcements**

**10) Adjourn**

Member Meier moved and member Propp seconded: **that we adjourn.** Motion carried 6-0-0. Ayes: Mike McConnell, Tony Meier, Jeff Propp, Gordon Hanson, Tracy Young, Cliff Lauder.. Meeting adjourned at 6:31.

\_\_\_\_\_ Public Works Committee Chair McConnell

Attested: \_\_\_\_\_ Public Works Committee Member

**City of Falls City**  
**Historic Landmark Commission**  
Wednesday October 11, 2023 6:00 PM  
Meeting Location: 320 N Main Street Falls City, OR

**Commission Members Present**

Amy Houghtaling, Nick Backus, Paul King,

**1) Roll Call**

Chair Houghtaling called the meeting to order at 6:03 PM

**2) Pledge of Allegiance**

Chair Houghtaling led the Commission in the Pledge of Allegiance.

**3) Motion to Adopt the entire Agenda**

Paul King moved and member Nick Backus seconded: **That we adopt the entire agenda.** Motion passed 3-0-0. Amy Houghtaling, Paul King, Nick Backus.

**4) Consent Agenda Motion Action Approving Consent Agenda Items**

Member Nick Backus moved and member Paul King seconded to: **Approve the minutes for 09/13/23.** Motion passed 3-0-0 Ayes. Amy Houghtaling, Paul King, Nick Backus.

**5) Public Comment: Opened at 6:04pm, closed at 6:05pm.**

**6) Old Business**

**Reflect on CLG check in**

The check in went well. A lot of questions were asked and answered. The commission did have a question about the ordinance follow up.

**7) New Business**

**A. Possible Ordinances**

The ordinance that was in question was located after the check in at city hall. Chair Houghtaling will follow up with city staff to see if the ordinance was forwarded to SHPO to make sure the ordinance honors the CLG status.

**B. Possible Grant Options**

The committee discussed grant options and if we do apply for a grant it will be the Certified Local Government grant. It is due in February and will be open in December. The project we are considering is recording oral histories of people that have lived in Falls City and have stories about Falls City and the history of the town.

**8) Correspondence, Comments and Ex-Officio Report**

None

**9) Committee Announcements**

Next meeting will be held on November 8, 2023 at 6:00 pm at the Community Center.

**9) Adjourn**

Member Backus moved and Member King seconded: **we adjourn.** Motion carried 3-0-0 Ayes. Amy Houghtaling, Paul King, Nick Backus. Meeting adjourned at 6:45p.m.

\_\_\_\_\_ Historic Landmark Commissioner Chair Houghtaling

Attested: \_\_\_\_\_ Historic Landmark Committee Member



## Call Volume for Falls City Volunteer Fire Dept. 2023 Calls (JANUARY-DECEMBER)

2023 MONTH	MEDICAL	PUBLIC ASSIST	MV A	STRUCTURE FIRE / FALSE ALARMS	GRASS BRUSH TREE / BURN CO	POWER LINE	SW CALLS FCFD RESPOND ON	SW ASSISTED FCFD CALLS	MO. TOTAL CALLS
<b>JAN</b>	6	1	0	0	0	1	0	0	<b>8</b>
<b>FEB</b>	6	0	1 SW	0	2	0	0	1 med 1 mva	<b>9</b>
<b>MAR</b>	7	0	0	2	0	0	0	1 fire	<b>9</b>
<b>APR</b>	11	0	0	4	0	0	0	2 fire	<b>17</b>
<b>MAY</b>	3		0	1 RV	0 1 Burn Co	0	1 car fire	0	<b>6</b>
<b>JUNE</b>	9	0	0	0	0	0	0	0	<b>9</b>
<b>JULY</b>	11	2	0	1 House 1 RV	5	0	1 grass fire	0	<b>24</b>
<b>AUG</b>	7	2	0	1 false alarms	3	0	0	0	<b>13</b>
<b>SEPT</b>	8	0	0	0	1 camp fire	0	0	0	<b>9</b>
<b>OCT</b>	12	2	0	3 false alarm	2 Burn Co	0	0	0	<b>19</b>
<b>NOV</b>									
<b>DEC</b>									
<b>YR TOTALS To Date</b>	<b>80</b>	<b>7</b>	<b>1</b>	<b>09/4</b>	<b>10/4</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>123</b>

### Fire Department Report for November 2023 Council Meeting:

Work is still progressing for the new Brush Truck. It is getting closer!

Sharon is still working on the emergency evacuation signs, programs and classes for the community.

We will have at least 6 or more volunteers receive their State Fire Fighter 1 certifications this month. Lots of hard work and many, many hours of volunteer time!! :-). We are holding a pinning ceremony to acknowledge their achievements later this month at the fire station.

Thank you for all your support and hard work for our community!

May you all enjoy a safe and wonderful Thanksgiving!

Prepared by Sharon Volk Greve, Assistant Chief, Falls City Fire and EMS Cell: (503) 871-5140

## August 2023 Falls City Stats

Falls City Calls for Service							
Animal	1	Community Event	2	Hit & Run	1	Susp. Vehicle	1
AOA	3	Criminal Mischief	2	Menace	2	Tow	1
Area Check	11	Domestic Dstrb.	2	Message	2	Trespass	5
Assault	1	Driving Complaint	2	Noise	2	Traffic Stop	7
ATL	1	FIR	3	Ordinance Vio.	2	Warrant	4
Check Welfare	3	Follow Up	6	Stolen Veh.	1		
Citizen Contact	6	Hangup	1	Susp. Activity	8		
Civil	12	Harassment	3	Susp. Person	3		

Falls City Calls for Service	98	Of the FC Calls for Service	10	involved crimes	
Total Calls for Service (county wide)	1503	FC Cases Cleared by Arrest	6	60.0%	clearance
Falls City % of Total Calls	6.5%	Total Arrests in Falls City	5	10.2%	of total arrests

Total Service Calls (Polk County)	1503	Crimes Occ		Juvenile Arrests	1	(county wide)
Cases Cleared by arrest	130	35.4%		Juvenile Arrests	0	(Falls City)
Total Arrests (county wide)	46			(only true crimes reported here)		
	49					

## September 2023 Falls City Stats

Falls City Calls for Service							
Alarm	1	Community Event	1	Follow Up	10	Premise Check	1
Animal	4	Crime (misc)	3	Hangup	1	Shots	1
AOA	4	Domestic Dstrb.	2	Harassment	1	Susp. Activity	5
Area Check	3	EDP	3	Illegal Parking	1	Susp. Person	2
Check Welfare	4	FIR	3	Missing Person	1	Theft	1
Citizen Contact	2	Fire/EMS	1	Ordinance Vio.	2	Traffic Stop	4
Civil	6	Found Per/Pro	2	P&P Check	1	Trespass	3

Falls City Calls for Service	73	Of the FC Calls for Service	6	involved crimes
Total Calls for Service (county wide)	1399	FC Cases Cleared by Arrest	0	0.0% clearance
Falls City % of Total Calls	5.2%	Total Arrests in Falls City	3	7.1% of total arrests

Total Service Calls (Polk County)	1399					
	110	Crimes Occ	3	3	3	(county wide)
Cases Cleared by arrest	38	34.5%	Juvenile Arrests	0	0	(Falls City)
Total Arrests (county wide)	42					(only true crimes reported here)





## Public Works Report October of 2023

### **Administration**

*Normal operations.*

### **Water Division**

*Service leak between Fairview and Parry on the 17<sup>th</sup>.*

*Service leak on Cameron on the 18<sup>th</sup>.*

*Installed water service for 156 Pine Street.*

### **Sewer Division**

*Had Valley Electric come out and replace a bad float at the Sewer Treatment Plant.*

### **Streets Division**

*Normal operations.*

### **Parks & Cemeteries Division**

*Normal operations.*

### **Non-Sewer Wastewater Division (TMDL)**

*Normal operations.*



City of Falls City  
299 Mill Street  
Falls City, OR 97344  
Ph 503.787.3631

## City Manager's Report November 6, 2023

### **Introduction**

At our last council meeting, we had a record number of residents (and non) attend due to the delicate nature of the presentation from the service providers from Church at the Park. There are many folks in town who feel very strongly about the issue, and we were happy to see so much participation in a government proceeding. The overwhelming majority of folks who attended were civil in both the comments and questions to the presenters. We expect that this topic will come back to the council again and we look forward to a similarly smooth meeting in the future. To more infrastructure related news, by the time of the council meeting, the city will have switched from Teal Creek to Glaze Creek for our fall/winter water needs. One update is that rebuilt water intake, that will aim to reduce the amount of trips to the Glaze Creek source for maintenance. This new intake "box" has been upgraded with a new cover that allows water to enter, but prevents debris from clogging it up, especially after severe storm events. We look forward to reducing the number of trips to the intake since it takes up a lot of staff time and coordination, as it is far enough out of town and in forest land that 2 staff members need to go for safety reasons.

**Wastewater Project** – We continue meeting with Strider Construction on a biweekly basis to check on their progress building our new lagoon system. Since the bottoms of both lagoons have been saturated with water, leading to pooling, the liners will not be installed until the spring, which will affect the overall schedule of the project. This knock-on effect will lead to structural integrity testing of the lagoons to be performed next fall, to take advantage of the wet season to fill them. At this point, Westech Engineering is working with DEQ to make sure that this delay will not put the city at risk of violating any of our discharge permits to the Little Luckiamute River. We will have more information on what the repercussions of the delay are in the next few weeks.

**Luckiamute Community Building** – With the addition of Falls City School District staff to the building, we now have full capacity in our community space. We look forward to more events being held on a one-time and recurring basis in the main room space to add more events and revenue for building maintenance.

**Code Enforcement & Municipal Court** – No update.

Note: If you have questions/concerns, please respond to me individually by email, phone, or in person. This way we avoid violating any public meetings laws with a "reply all" response, or multiple councilors discussing on the same thread.

**Towing Services** – City staff have been working with the Sheriff’s Community Service Deputy to start removing some of the illegally parked vehicles and RVs on N. Main Street. Due to professional trainings, scheduling this assistance from Polk County has been challenging, but city staff truly appreciate all assistance that we receive, since the city has no official IGA’s with the Sheriff’s Office for ongoing traffic patrol within city limits. Informal conversations have been ongoing regarding how to tackle speeding and illegal parking in Falls City. If a specified budget can be allocated to securing traffic patrol services in town, a significant reduction in non-compliance by residents would likely occur.

**Safe Routes to School Project** – Staff have been notified by ODOT that its most recent Small Cities Allotment grant application was denied. This means that the project is now underfunded. What this means for the pedestrian island at Bridge/Mitchell/Main and the sidewalk leading up to the elementary school is still to be determined at this time. Staff is working to come up with alternate funding to make up for the shortfall in order to execute on the project in the current fiscal year.

Sincerely,

A handwritten signature in cursive script, appearing to read "Josudi".

## Clerk's Report

### Public Works

- **Speed test** have not gotten a confirmed date from County for the test

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## STAFF REPORT

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**TO:** HONORABLE MAYOR, AND CITY COUNCIL  
**FROM:** CITY MANAGER, AJ FOSCOLI  
**SUBJECT:** MAIN STREET ILLEGAL PARKING  
**DATE:** 11/06/2023

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### **SUMMARY**

Mitigating illegal parking in the city's right-of-way.

### **BACKGROUND**

The City Council has discussed on several occasions the proliferation of illegal parking in the city's right-of-way. This issue has been brought to the Public Works Committee for deliberation on how to best discourage illegal parking and the committee has helped to identify the north portion of North Main Street, between Ellis Street and the city limits as the first "No-Parking" zone. The city will rely on the Polk County Sheriff Office's Community Service Deputy to assist the city in identifying vehicles for tagging and towing. The protocol has been working in the past year when the Polk County Sheriff Office has been at full staffing.

- This topic was returned to the Public Works Committee as directed by the City Council and the same conclusion was agreed upon.
- The City Clerk researched the possible effected properties outlined by Mr. Fornier regarding excessive water and found there to be no formal complaints given to the City.
- There was no public comment.

As this is an ordinance, the issue will be reviewed and deliberated on at 2 City Council Meetings before it goes into effect.

### **FINANCIAL IMPLICATIONS**

None.

### **STAFF RECOMMENDATION**

Staff recommends the City Council to support the proposed Ordinance No. 562-2023

### **PROPOSED MOTION**

Recommend a motion to support the proposed Ordinance No. 562-2023

### **EXHIBIT**

A- ORDINANCE NO. 562-2023

**ORDINANCE NO. 562-2023**

**AN ORDINANCE ESTABLISHING A NO PARKING ZONE ON NORTH MAIN STREET; ADDING TO THE PARKING PROHIBITED SCHEDULE IN FALLS CITY CODE CHAPTER 72; SECTION 1; AND DECLARING AN EMERGENCY**

The City of Falls City does ordain as follows:

Section 1. That parking of motor vehicles be, and it hereby is, prohibited on North Main Street beginning at the Falls City Entrance sign west to the corner of the east side of the intersection with Ellis Street, on the North side of North Main Street.

Section 2. That the Parking Prohibited Schedule in Falls City Code Chapter 72 be, and it hereby is, adding as set forth in Section 1.

Section 3. That the City Manager, or his designee, shall post such signage and street markings as may be necessary and appropriate to implement this ordinance and provide appropriate parking controls.

Section 4. This ordinance being necessary for the peace, health and safety of the people of Falls City, an emergency is hereby declared and this Ordinance shall take effect upon final passage by the Council.

Read for the first time \_\_\_\_\_, 2023

Read for the second time \_\_\_\_\_, 2023

Adopted by the Falls City Council \_\_\_\_\_, 2023

Approved:

\_\_\_\_\_

TJ Bailey , Mayor

Attest:

\_\_\_\_\_

Jeremy Teal, City Recorder

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**STAFF REPORT**

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**TO:** HONORABLE MAYOR, AND CITY COUNCIL  
**FROM:** CITY MANAGER, AJ FOSCOLI  
**SUBJECT:** REPEAL OF BACK-FLOW DEVICE ORDINANCE TO MATCH STATE STATUTE  
**DATE:** NOVEMBER 6, 2023

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**SUMMARY**

The city is exploring the repeal of the backflow device Ordinance 97-464 (Cross Connection Control Program).

**BACKGROUND**

According to current ordinance, the city is responsible for backflow testing of all water connections (commercial AND residential), which is in excess of State standards (Commercial ONLY), and the \$2.25 additional backflow testing fee charged to residents is not keeping up with contractor costs to carry out this program. As this program is both time-consuming (a 3<sup>rd</sup> party contractor has spent the better part of the summer performing tests), and expensive (\$6,600 for the annual contract at present, but potentially as high as \$10,000/year), the proposal is to repeal the ordinance and follow State Statute in backflow testing of only commercial properties. Aligning city ordinance with State Statute would benefit the public works department by freeing up resources now allocated to overseeing contractors and the cost thereof.

**FINANCIAL IMPLICATIONS**

If enacted, the repeal of the backflow device ordinance 97-464 (Cross Connection Control Program) to match State Statute, would save the city between \$6,500-\$10,000/year in testing.

As the city will be raising water rates to execute on the \$2.37 million water line & meter replacement project in the next 2 years, the elimination of a backflow fee will help mitigate the rate increase residents will have on their monthly bill.

**PUBLIC WORKS COMMITTEE RECOMMENDATION**

A motion to recommend to council to repeal Ordinance 97-464 regarding the backflow device testing outlined in Ordinance 563-2023.

**STAFF RECOMMENDATION**

A motion to recommend to council to repeal Ordinance 97-464 regarding the backflow device testing outlined in Ordinance 563-2023.

**MOTION RECOMMENDATION**

A motion to approve Ordinance 563-2023 in establishing a cross connection control program and establishing authorities and administration; and repealing prior ordinances.

**ATTACHMENTS**

Exhibit A – Ordinance 97-464  
Exhibit B – Ordinance 563-2023

CITY OF FALLS CITY  
ORDINANCE No. 97 - 464

CROSS CONNECTION CONTROL PROGRAM

AN ORDINANCE ESTABLISHING A CROSS CONNECTION CONTROL PROGRAM  
AND ESTABLISHING AUTHORITIES AND ADMINISTRATION.

The CITY OF FALLS CITY does ordain as follows:

SECTION 1. CROSS CONNECTION CONTROL - GENERAL POLICY

1.1 PURPOSE

- 1.1.1 To protect the public potable water supply served by the City of Falls City Public Works Department from the possibility of contamination or pollution by isolating, within its customers internal distribution system, such contaminants or pollutants which could backflow or backsiphon into the public water system.
- 1.1.2 To promote the elimination of, or control of, existing cross connections, actual or potential, between the potable water system and source or non-potable water or other hazardous substances.
- 1.1.3 To provide for the maintenance of a continuing program of cross connection control which will effectively prevent the contamination or pollution of all potable water systems by cross connections.

1.2 AUTHORITY

- 1.2.1 The Federal Safe Drinking Water Act of 1974, and the statutes of the State of Oregon, Administrative Rules chapters 333-61-070 (070 - Program Requirements), 333-61-071 (071 - Installation Standards), and 333-61-072 (072 - Certification), state that the water supplier has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.
- 1.2.2 The City of Falls City Water Department Rules and Regulations as described in City of Falls City Charter, Ordinance No.s 372 & 392.

1.3 RESPONSIBILITY

The Administrator or designee shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Administrator or designee, an approved backflow device is required at the City's water connection to any customer's remise, the Administrator, or designee, shall



give notice in writing to said customer to install an approved backflow prevention device at each service connection to the customer's premise.

The customer shall, within ninety (90) days of notification, install such approved device, or devices, at his/her own expense. Failure, refusal, or inability on the part of the customer to install, have tested, and maintain said device or devices within ninety (90) days, shall constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed and tested.

## SECTION 2. DEFINITIONS

### 2.1 Approved

Accepted by the City of Falls city as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.

### 2.2 Auxiliary Water Supply

Any water supply, on or available, to the premises other than the purveyor's will be considered as an auxiliary water supply.

### 2.3 Backflow

The term "Backflow" shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources.

### 2.4 Backflow Preventer

An assembly or means designed to prevent backflow or backsiphonage.

#### 2.4.1 Air Gap

A physical separation between free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel - in no case be less than one inch.

#### 2.4.2 Atmosphere Vacuum Breaker

A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure on a water system.

#### 2.4.3 Double Check Valve Assembly

An assembly of two (2) independently operating spring loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of the check valve.

#### 2.4.4 Pressure Vacuum Breaker

Means a device consisting of one or more spring loaded check valves and an independently operating air inlet valve installed as a unit between two tightly closing shut off valves on each side of the check valves and properly located test cocks for testing. The air inlet valve is internally loaded to the open position.

- 2.4.5 **Reduced Pressure Principle Backflow Preventer**  
Means a device consisting of two indepeudently acting, spring loaded check valves separated by a spring loaded differential pressure relief valve. This device shall be installed as a unit between two tightly closing shut off values and properly located test cocks for the testing of the check valves and relief valves.
- 2.5 **Back Pressure**  
Shall mean any elevation of pressure in the downstream piping system (by pumping, elevation of piping, steam or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.
- 2.6 **Backsiphonage**  
The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of the pressure in the potable water supply system.
- 2.7 **Contaminant**  
Means any physical, chemical, biological, or radiological substance or matter in water.
- 2.8 **Cross Connection**  
Means any link or channel between the public water supply and piping or fixtures which carry other water or other substances.
- 2.9 **Distribution System**  
Means the network of pipes and other facilities which are used to distribute water from the source, treatment, transmission, or storage facilities to the water user.
- 2.10 **Division**  
Means the Health Division of the Oregon Department of Human Resources.
- 2.11 **Owner**  
Any person who has legal title to, or license to operate or habitat in, a property upon which a cross connection inspection is to be made or upon which a cross connection is present.
- 2.12 **Person**  
Any individual, partnership, company, public, or private corporation, political subdivision or agency of the State Division, agency or instrumentality of the United States or any other legal entity.
- 2.13 **Permit**  
A document issued by the utility which allows the use of a backflow preventer.
- 2.14 **Administrator**  
The Administrator or his deligated representative in charge of the water section of the Public Works, is

invested with the authority and responsibility for the implementation of a cross connection control program and for the enforcement of the provisions of the Ordinance.

2.15 Utility

City of Falls City water section of the Public Works Department.

2.16 Water Service Entrance (connection)

That point in the owner's water system beyond the sanitary control of the utility; generally considered to be the outlet end of the water meter and always before any unprotected branch.

SECTION 3 - ADMINISTRATION

3.1 The utility will operate a cross connection control program, to include the keeping of necessary records, which fulfills the requirements of the Division's Cross Connection Regulations.

3.2 The owner shall allow his property to be inspected, when given reasonable notification and during reasonable times, for possible cross connections and shall follow the provisions of the utility's program, and the Division's regulations if a cross connection is identified.

SECTION 4 - REQUIREMENTS

4.1 Utility

4.1.1 On new installations, the utility will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any that will be required, will issue permit, and perform inspection.

4.1.2 For premises existing prior to the start of this program, the utility will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary.

4.1.2.1 The method of achieving the correction, and the time allowed for the correction to be made.

4.1.2.1.1 Ordinarily ninety (90) days will be allowed for the correction.

4.1.2.1.2 This 90 day period may be shortened depending on the degree of hazard or the history of the device.

4.1.3 The utility will not allow any cross connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.

4.1.4 The utility will inform the owner by letter of any failure to comply, within ten (10) working days of the first re-inspection.

4.1.4.1 The utility will allow an additional fifteen (15) days for the correction.

4.1.4.2 At the end of the additional fifteen (15) days a second re-inspection will be made to determine if corrections have been made.

4.1.4.3 If corrections have not been made, the utility will inform the owner by letter that the water service to the owner's premises will be terminated five (5) days from the date of this notice.

4.1.4.4 In the event that the owner informs the utility of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the utility but in no case will exceed an additional thirty (30) days.

4.1.5 If the utility determines at any time that a serious threat to the public health exists, the water services will be terminated immediately.

4.1.6 The utility shall have on file a list of private contractors who are certified backflow device testers. All charges for these tests will be paid by the owner of the building or property.

## 4.2 Owner

4.2.1 The owner shall be responsible for the elimination or isolation of all cross connections on his/her premises.

4.2.2 The owner, after having been informed by a letter from the utility, shall at his/her expense, install, maintain, and test or have tested, any and all backflow preventers on his premises.

4.2.3 The owner shall correct any malfunctions of the backflow preventer which is revealed by periodic testing.

4.2.4 The owner shall inform the utility of any proposed or modified cross connections and also any existing cross-connections of which the owner is aware but has not been found by the utility.

4.2.5 The owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Owners shall not tamper with backflow devices.

4.2.6 The owner shall install backflow preventers in a manner approved by the utility.

4.2.7 The owner shall install only backflow preventers approved by the Health Division.

4.2.8 Any owner having a private well or other private water source, must have a permit if the well or source is cross-connected to the utility's system. Permission to cross connect may be denied by the utility. The Owner may be required to install a

backflow preventer at the service entrance if a private water source is maintained, even if it is not cross connected to the utility's system.

- 4.2.9 In the event the owner installs plumbing to provide potable water for domestic purposes which is on the utility's side of the backflow preventer, such plumbing must have its own backflow preventer installed.

## SECTION 5 - DEGREE OF HAZARD

- 5.1 The utility recognizes the threat to the public water system arising from cross connections. All threats will be classified by degree of hazard and will require the installation of an approved backflow prevention device.
- 5.2 Degree of Hazard. The term "Degree of Hazard" shall mean either a pollutional (non-health-low) or contamination (Health-High) hazard and is derived from the evaluation of conditions within a system.

## SECTION 6 - EXISTING BACKFLOW DEVICES

- 6.1 Any existing backflow preventer shall be allowed by the utility to continue in service unless the degree of hazard is such as to supersede the effectiveness of the preventer, or result in an unreasonable risk to public health.
- 6.2 Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow device must be replaced with an approved device suitable for that degree of hazard.

## SECTION 7 - PERIODIC TESTING

- 7.1 All testable backflow devices shall be tested and inspected at least annually.
- 7.2 Periodic testing shall be performed by a certified tester from a list provided by the utility, this testing will be done at the owner's expense.
- 7.3 Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair, the device will be re-tested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date will be established. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices is an effective means of the owner insuring uninterrupted water service during testing or repair of devices and is strongly recommended when the owner desires such continuity.
- 7.4 Backflow prevention devices will be tested more frequently than specified in 7.1 of this Section if the utility feels that there is a history of test failures. Cost of additional testing will be borne by the Owner. Any circumstance not covered by this Ordinance or any of the

- Authorities (1.2.1 - 1.2.2) shall be left to the judgment of the Administrator or designee.

SECTION 8 - OREGON ADMINISTRATIVE RULES

The City of Falls City hereby adopts Oregon Administrative Rules as outlined in Chapter 333, Subsection 42-200 through 42-245 as may be amended.

SECTION 9 - EMERGENCY CLAUSE

Inasmuch as it is necessary for the immediate preservation of the public health peace and safety of the City of Falls City, to enact this Ordinance, and emergency is hereby declared to exist, and this Ordinance shall become effective on April 1, 1997.

FIRST READING:

This 3rd day of March, 1997.

SECOND READING:

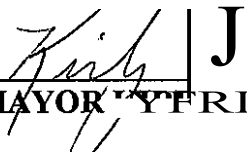
This 3rd day of March, 1997.

PASSED BY THE COMMON COUNCIL THIS 3rd DAY OF MARCH, 1997.

VOTE:

Yeas-6      nays-0      abstain-0      absent-0

APPROVED BY MAYOR FRINK ON THIS 4th DAY OF MARCH, 1997.

  
MAYOR J. FRINK

ATTEST

  
CITY ADMINISTRATOR BILL EWING

CITY OF FALLS CITY  
ORDINANCE No. 563-2023

CROSS CONNECTION CONTROL PROGRAM

AN ORDINANCE ESTABLISHING A CROSS CONNECTION CONTROL PROGRAM AND ESTABLISHING AUTHORITIES AND ADMINISTRATION; AND REPEALING PRIOR ORDINANCES.

The CITY OF FALLS CITY does ordain as follows:

SECTION 1. CROSS CONNECTION CONTROL - GENERAL POLICY

1.1 PURPOSE

- 1.1.1 To protect the public potable water supply served by the City of Falls City Public Works Department from the possibility of contamination or pollution by isolating, within its customers internal distribution system, such contaminants or pollutants which could backflow or back siphon into the public water system.
- 1.1.2 To promote the elimination of, or control of, existing cross connections, actual or potential, between the potable water system and source or non-potable water or other hazardous substances.
- 1.1.3 To provide for the maintenance of a continuing program of cross connection control which will effectively prevent the contamination or pollution of all potable water systems by cross connections.

1.2 AUTHORITY

- 1.2.1 The Federal Safe Drinking Water Act of 1974, and the statutes of the State of Oregon, Administrative Rules chapters 333-61-070 (070 - Program Requirements), 333-61-071 (071 - Installation Standards), and 333-61-072 (072 - Certification), state that the water supplier has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.
- 1.2.2 The City of Falls City Water Department Rules and Regulations as described in City of Falls City Charter, Ordinance No.s 372 & 392.

1.3 RESPONSIBILITY

The Administrator or designee shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Administrator or designee, an approved backflow device is required at the City's water connection to any customer's remise, the Administrator, or designee, shall

give notice in writing to said customer to install an approved backflow prevention device at each service connection to the customer's premise.

The customer shall, within ninety (90) days of notification, install such approved device, or devices, at his/her own expense. Failure, refusal, or inability on the part of the customer to install, have tested, and maintain said device or devices within ninety (90) days, shall constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed and tested.

## SECTION 2. DEFINITIONS

### 2.1 Approved

Accepted by the City of Falls city as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.

### 2.2 Auxiliary Water Supply

Any water supply, on or available, to the premises other than the purveyor's will be considered as an auxiliary water supply.

### 2.3 Backflow

The term "Backflow" shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources.

### 2.4 Backflow Preventer

An assembly or means designed to prevent backflow or back siphonage.

#### 2.4.1 Air Gap

A physical separation between free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel - in no case be less than one inch.

#### 2.4.2 Atmosphere Vacuum Breaker

A device which prevents back siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure on a water system.

#### 2.4.3 Double Check Valve Assembly

An assembly of two (2) independently operating spring-loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of the check valve.

#### 2.4.4 Pressure Vacuum Breaker

Means a device consisting of one or more spring loaded check valves and an independently operating air inlet valve installed as a unit between two tightly closing shut off valves on each side of the check valves and properly located test cocks for testing. The air inlet valve is internally loaded to the open position.



- 2.4.5 **Reduced Pressure Principal Backflow Preventer**  
Means a device consisting of two independently acting, spring loaded check valves separated by a spring loaded differential pressure relief valve. This device shall be installed as a unit between two tightly closing shut off valves and properly located test cocks for the testing of the check valves and relief valves.
- 2.5 **Back Pressure**  
Shall mean any elevation of pressure in the downstream piping system (by pumping, elevation of piping, steam or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.
- 2.6 **Back siphonage**  
The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of the pressure in the potable water supply system.
- 2.7 **Contaminant**  
Means any physical, chemical, biological, or radiological substance or matter in water.
- 2.8 **Cross Connection**  
Means any link or channel between the public water supply and piping or fixtures which carry other water or other substances.
- 2.9 **Distribution System**  
Means the network of pipes and other facilities which are used to distribute water from the source, treatment, transmission, or storage facilities to the water user.
- 2.10 **Division**  
Means the Health Division of the Oregon Department of Human Resources.
- 2.11 **Owner**  
Any person who has legal title to, or license to operate or habitat in, a property upon which a cross connection inspection is to be made or upon which a cross connection is present.
- 2.12 **Person**  
Any individual, partnership, company, public, or private corporation, political subdivision or agency of the State Division, agency or instrumentality of the United States or any other legal entity.
- 2.13 **Permit**  
A document issued by the utility which allows the use of a backflow preventer.
- 2.14 **Administrator**  
The Administrator or his delegated representative in charge of the water section of the Public Works, is

invested with the authority and responsibility for the implementation of a cross connection control program and for the enforcement of the provisions of the Ordinance.

2.15 Utility

City of Falls City water section of the Public Works Department.

2.16 Water Service Entrance (connection)

That point in the owner's water system beyond the sanitary control of the utility; generally considered to be the outlet end of the water meter and always before any unprotected branch.

SECTION 3 - ADMINISTRATION

- 3.1 The owner shall allow his property to be inspected, when given reasonable notification and during reasonable times, for possible cross connections and shall follow the provisions of the utility's program, and the Division's regulations if a cross connection is identified.

SECTION 4 - REQUIREMENTS

4.1 Utility

- 4.1.1.1 On new installations, the utility will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any that will be required, will issue permit, and perform inspection.

4.1.2 If the utility determines at any time that a serious threat to the public health exists, the water services will be terminated immediately.

4.1.3 The utility shall have on file a list of private contractors who are certified backflow device testers. All charges for these tests will be paid by the owner of the building or property.

4.2 Owner

4.2.1 The owner shall be responsible for the elimination or isolation of all cross connections on his/her premises.

4.2.2 The owner, shall at his/her expense, install, maintain, and test or have tested, any and all backflow preventers on his premises.

4.2.3 The owner shall correct any malfunctions of the backflow preventer which is revealed by periodic testing.

4.2.4 The owner shall inform the utility of any proposed or modified cross connections and also any existing cross-connections of which the owner is aware but has not been found by the utility.

4.2.5 The owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Owners shall not tamper with backflow devices.

4.2.6 The owner shall install backflow preventers in a manner approved by the utility.

4.2.7 The owner shall install only backflow preventers approved by the Health Division.

4.2.8 Any owner having a private well or other private water source, must have a permit if the well or source is cross-connected to the utility's system. Permission to cross connect may be denied by the utility. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross connected to the utility's system.

4.2.9 In the event the owner installs plumbing to provide potable water for domestic purposes which is on the utility's side of the backflow preventer, such plumbing must have its own backflow preventer installed.

## SECTION 5 - DEGREE OF HAZARD

5.1 The utility recognizes the threat to the public water system arising from cross connections. All threats will be classified by degree of hazard and will require the installation of an approved backflow prevention device.

5.2 Degree of Hazard. The term "Degree of Hazard" shall mean either a pollutional (non-health-low) or contamination (Health-High) hazard and is derived from the evaluation of conditions within a system.

## SECTION 6 - EXISTING BACKFLOW DEVICES

6.1 Any existing backflow preventer shall be allowed by the utility to continue in service unless the degree of hazard is such as to supersede the effectiveness of the preventer, or result in an unreasonable risk to public health.

6.2 Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow device must be replaced with an approved device suitable for that degree of hazard.

## SECTION 7 - PERIODIC TESTING

7.1 All testable backflow devices shall be tested and inspected at least annually.

7.2 Periodic testing shall be performed by a certified tester from a list provided by the utility, this testing will be done at the owner's expense.

7.3 Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair, the device will be re-tested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date will be established. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices is an effective means of the owner insuring uninterrupted water service during testing or repair of devices and is strongly recommended when the owner desires such continuity.

7.4 Backflow prevention devices will be tested more frequently than specified in 7.1 of this Page 35 Section if the utility feels that there is a history of test failures. Cost of additional testing will be borne by the Owner. Any circumstance not covered by this Ordinance or any of the

- Authorities (1.2.1 - 1.2.2) shall be left to the judgment of the Administrator or designee.

SECTION 8 - OREGON ADMINISTRATIVE RULES

The City of Falls City hereby adopts Oregon Administrative Rules as outlined in Chapter 333, Subsection 42-200 through 42-245 as may be amended.

FIRST READING:

This \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SECOND READING:

This \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED BY THE COUNCIL \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023

. VOTE: Yeas- \_\_\_\_\_ nays- \_\_\_\_\_ abstain- \_\_\_\_\_ absent- \_\_\_\_\_

APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
TJ Bailey, Mayor of Falls City

ATTEST

\_\_\_\_\_  
Jeremy Teal, City Recorder

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## **STAFF REPORT**

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**TO:** HONORABLE MAYOR, AND CITY COUNCIL  
**FROM:** CITY MANAGER, AJ FOSCOLI  
**SUBJECT:** MAIN STREET ILLEGAL PARKING  
**DATE:** 11/06/2023

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### **SUMMARY**

Mitigating illegal parking in the city's right-of-way.

### **BACKGROUND**

The Public Works Committee agreed to the No Parking on the North side of North Main and suggested implementing the same restrictions on the South side of North Main as well. The area between Ellis Street and the city limits as a "No-Parking" zone. The city will rely on the Polk County Sheriff Office's Community Service Deputy to assist the city in identifying vehicles for tagging and towing. The protocol has been working in the past year when the Polk County Sheriff Office has been at full staffing.

As this is an ordinance, the issue will be reviewed and deliberated on at 2 City Council Meetings before it goes into effect.

### **FINANCIAL IMPLICATIONS**

None.

### **STAFF RECOMMENDATION**

Staff recommends the City Council to support the proposed Ordinance No. 564-2023

### **PROPOSED MOTION**

Recommend a motion to support the proposed Ordinance No. 564-2023

### **EXHIBIT**

A- ORDINANCE NO. 564-2023

**ORDINANCE NO. 564-2023**

**AN ORDINANCE ESTABLISHING A NO PARKING ZONE ON NORTH MAIN STREET; ADDING TO THE PARKING PROHIBITED SCHEDULE IN FALLS CITY CODE CHAPTER 72; SECTION 1; AND DECLARING AN EMERGENCY**

The City of Falls City does ordain as follows:

Section 1. That parking of motor vehicles be, and it hereby is, prohibited on North Main Street beginning at the Falls City Entrance sign west to the corner of the east side of the intersection with Ellis Street, on the South side of North Main Street.

Section 2. That the Parking Prohibited Schedule in Falls City Code Chapter 72 be, and it hereby is, adding as set forth in Section 1.

Section 3. That the City Manager, or his designee, shall post such signage and street markings as may be necessary and appropriate to implement this ordinance and provide appropriate parking controls.

Section 4. This ordinance being necessary for the peace, health and safety of the people of Falls City, an emergency is hereby declared and this Ordinance shall take effect upon final passage by the Council.

Read for the first time \_\_\_\_\_, 2023

Read for the second time \_\_\_\_\_, 2023

Adopted by the Falls City Council \_\_\_\_\_, 2023

Approved:

\_\_\_\_\_

TJ Bailey , Mayor

Attest:

\_\_\_\_\_

Jeremy Teal, City Recorder