

## **ORDINANCE NO. 190228**

Adopt revised Title 21 Water to be consistent with current Portland Water Bureau practices and applicable State of Oregon regulations (Ordinance; replace Code Title 21)

The City of Portland ordains:

Section 1. The Council finds:

1. Portland City Code Title 21 is a set of codes that guide our work at the Portland Water Bureau. These codes inform the rules and laws that direct our operations and define the roles and responsibilities of staff who deliver water to nearly a million people in the Portland area.
2. During this review process, the Water Bureau revised outdated provisions and added provisions consistent with Charter changes resulting from ballot measures approved by voters in November 2019. It is important the City Water Code be updated as applicable Charter provisions and regulations change.
3. This revision process has improved Title 21 by:
  - Updating City Water Code with these revisions to provide consistency and clarity.
  - Clarifying the cost sharing process for main extensions and service installations, including clarity for construction and maintenance responsibilities related to water infrastructure serving private property.
  - Clarifying the terms for compliance and inspection of backflow prevention assembly—a system that prevents water from flowing from private property back into the public water system.
  - Deferring to the annual rates ordinance as the forum for setting rates and charges.
  - Providing additional environmental protections to implement the Charter Amendment approved by voters in November 2019. For work performed in the Bull Run Watershed, Title 21 now includes rules about riparian protection, stream crossings, wet weather construction, and fire prevention.
  - Adding language from the November 2019 Charter Amendment allowing the Water Bureau to help other communities and vice versa during an emergency or natural disaster.

NOW, THEREFORE, the Council directs:

- a. Portland City Code Title 21, Water, is hereby replaced as shown in attached Exhibit A.
- b. The Water Bureau Administrator shall draft Administrative Rules (Rules) to implement Section 21.36.050 (Bull Run Watershed Protection Policy) in attached Exhibit A and bring the draft Rules to Council for Council review prior to the Water Bureau Administrator's adoption of the Rules. Rules to be adopted by December 31, 2021.

Passed by the Council, December 9, 2020

Commissioner Amanda Fritz  
Prepared by: Gabriel Solmer, Director  
October 16, 2020

**Mary Hull Caballero**  
Auditor of the City of Portland  
By *Keelan McClymont*  
Deputy

Adopt revised Title 21 Water to be consistent with current Portland Water Bureau practices and applicable State of Oregon regulations (Ordinance; replace Code Title 21)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Amanda Fritz</b>	CLERK USE: DATE FILED <u>November 9, 2020</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz <small>Tim Crail on behalf of Commissioner Fritz Date: 2020.11.09 11:34:11 -0800</small> Position 2/Works - Ryan Position 3/Affairs - Hardesty Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland  Keelan Digitally signed by Keelan McClymont Date: 2020.11.09 19:59:58 -08'00' By: <u>McClymont</u> Deputy
<b>BUREAU APPROVAL</b> Bureau: <u>Water</u> Bureau Head: Gabriel Solmer <small>Digitally signed by Gabriel Solmer Date: 2020.11.04 10:19:52 -0800</small> Prepared by: <u>Gabriel Solmer</u> Date Prepared: <u>10/16/2020</u>	<b>ACTION TAKEN:</b>  <b>December 3, 2020 Passed to Second Reading December 9, 2020 at 9:30 am</b>
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances <b>DB</b>	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter Karen Moynahan <small>Digitally signed by Karen Moynahan Date: 2020.10.16 14:55:55 -0700</small>	
Council Meeting Date December 2, 2020	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ <b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input checked="" type="checkbox"/> <b>Total amount of time needed:</b> <u>30 minutes</u> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Ryan	✓	
3. Hardesty	✓	
4. Eudaly	✓	
Wheeler	✓	