

ORDINANCE NO. 149319

An Ordinance amending Title 21, Water Code of the City of Portland by deleting, adding, renumbering and amending sections for clarification.

The City of Portland ordains:

Section 1. The Council finds:

1. That numerous sections of Title 21, Water Code are obsolete, inadequate or otherwise inappropriate.
2. That the code should be revised for clarity and to meet current conditions.

NOW, THEREFORE, the Council directs:

- a. A new Chapter 21.04, Definitions, is hereby added to Title 21, Water, of the Code of the City of Portland, to be numbered, titled, and to read as follows:

Section 21.04.010 Applicant. The person, persons, association, corporation, or governmental agency applying for water service.

Section 21.04.020 Bureau. The Bureau of Water Works, being the official agency of the City of Portland charged with responsibility of furnishing water supply to the city and administering the sale of surplus water outside the city.

Section 21.04.030 Manager. For the purposes of this Code, Manager refers to the person in charge of the Bureau of Water Works.

Section 21.04.040 Rates. The rates or amounts fixed by the Bureau and established by ordinance to be charges for water service supplied by the Bureau to its customers.

Section 21.04.050 Billing Period. The time interval between two consecutive meter reading dates or such other time interval used for billing purposes.

Section 21.04.060 Date of presentation. The day on which a bill or notice is mailed or delivered by the Bureau to the customer.

Section 21.04.070 Service charge (customer charge). A fixed charge per month or multiple or fraction thereof, based on meter size. The charge, under special conditions, shall be based on the size of the service connection.

Section 21.04.080 Commodity rates. A charge based on the amount of water used per 100 cubic feet or fraction thereof.

Section 21.04.090 Minimum meter charge. A charge for each meter in excess of one, imposed when a customer is granted aggregate billing for water service supplied by two or more meters, each connected to a separate service. When any service in the aggregated billing

situation supplies more than one meter, the minimum meter charge shall be made for each service in excess of one.

Section 21.04.100 Customer. Any person, persons, association, corporation, or governmental agency supplied or entitled to be supplied with water service by the Bureau in accordance with established rates and charges.

Section 21.04.110 Premises. Integrated land area including improvements thereon undivided by public thoroughfares or water distribution mains of the Bureau and under single or common ownership where all parts of the premises are operated under the same management and for the same purpose.

Section 21.04.120 Distribution mains. Water pipelines located in streets, public ways or private rights-of-way, exclusive of service connections, which are used to convey water to the general public for customer service and fire protection.

Section 21.04.130 Transmission system. Those water mains and related facilities connecting with storage reservoirs, wells, or pumping facilities for the purpose of delivering water to distribution mains. It includes all supply mains, pumping, storage or other facilities required for service.

Section 21.04.140 Gravity system. That portion of the water transmission and distribution system which normally receives water by gravity flow from the source without the installation of pumping facilities; the gravity system may include pumps utilized for intermittent delivery of water from wells into the gravity system and distribution line booster pumps used to improve operating conditions.

Section 21.04.150 Pumped system. Any portion of the water distribution system which because of topography or elevation may not readily be served by a normal extension of the gravity system and which requires the installation and operation of special pumping facilities, supply mains, or storage facilities to provide service.

Section 21.04.160 Main extension. The extension of water distribution mains beyond previously existing facilities.

Section 21.04.170 Service branch. An unused service pipe from the distribution main to the future meter location.

Section 21.04.180 System Development Charge. A charge imposed upon each new service connection (and increase in size of old connections) within the City limits to defray the cost of new facilities required to serve the additional demand created by the new connection upon the water system.

The System Development Charge will be based upon the size of meter as follows:

<u>Meter Size</u> <u>Inch</u>	<u>Specified Maximum</u> <u>Flow Rate GPM</u>	<u>Connection</u> <u>Fee</u>
Up to 3/4"	20	As specified in the annual rate Ordinance.
1"	50	
1-1/2"	100	
2"	160	
3"	350	
4"	600	
6"	1,300	
8"	2,500	
10"	4,000	
12"	5,800	

New water service connections solely for fire protection purposes shall be exempt from payment of the System Development Charge.

Section 21.04.190 Service connection. "Service connection" is the pipe or tubing, fittings and valves necessary to conduct water from the distribution main to and through the meter and to the property line. Where the meter is on private property, service connection is the pipe or tubing, fittings and valves necessary to conduct water from the distribution main to and through the meter and the angle meter coupling on service connections of one inch or less and through the downstream meter valve on service connections of more than one inch.

Section 21.04.200 Outside city distributor. Any water district, city, water company, association or other agency supplying surplus water furnished by the city to customers outside the city limits.

Section 21.04.210 Shut off valve. A shut off valve is a device for directly stopping the flow of water to the property/premise. It must be of an approved design and must be installed either within the basement (at the system's low point) or within 3 feet of the outside wall where the waterline enters a facility without a basement. Suitable protection to prevent damage must be provided on installation.

b. Chapter 21.08, Extension of water mains of Title 21, of the Code of the City of Portland hereby is amended to read as follows:

Section 21.08.010 Payment for mains from water construction fund. All water mains, including service connection, distribution mains and mains for reinforcement hereafter laid or constructed, shall be paid for out of the water construction fund and not otherwise.

Section 21.08.020 No change.

Section 21.08.030 Distribution main extensions inside city. If the council, acting by itself or through the commissioner in charge, determines that the revenue which will be derived through water rates from property immediately adjacent to the main or main extension proposed to be laid shall produce, as hereinafter set forth, an annual sum equal to nine percent of the cost of the water main or main extension and of laying the same, such main or main extension may be installed at city expense. In determining the revenue which will be derived through water rates from property immediately adjacent to the permanent main or main extension proposed to be laid, the following method shall be used on the basis of statistics compiled by the Bureau: (1) For residential services, average annual city wide use of water through services of the same meter size shall be fixed by either the average use through all such services or by a ten percent sampling of the use during the preceding five years, and the revenue to be expected annually from residential services of the same size shall be computed at the current water rates: (2) For nonresidential services the annual revenue to be expected shall be determined by averaging revenues from comparable services in the city adjusted to current water rates. Such average revenues, whether residential or nonresidential, shall be multiplied by the number of services of each size and class for which water connection applications have been filed for premises immediately adjacent to such main or main extension, and services which are already connected. The resulting sum shall be capitalized at nine percent per year. If the estimated cost of such main or main extension and the laying thereof does not exceed the capitalized amount, the water main or main extension may be laid without prior deposit from applicant. If the estimated cost of such main or main extension and the laying thereof exceeds the capitalized amount, the main or main extension shall not be laid unless the difference between the estimated cost and capitalized amount is first paid to the Bureau by or on behalf of the premises desiring water service through such main or main extension, subject to the allocation to water supply set forth subsequently in this chapter, if applicable. Contributions to costs of water main installations from revenue shall not exceed, at the time of connection to the city system, the estimated cost prepared prior to construction. The Bureau may accept a deposit of 20% of the estimated cost of the main extension for preliminary engineering work, the balance due prior to actual construction. Payment shall be credited to the water construction fund. If the actual cost of the main or main extension and the laying thereof remaining after the allocation, if applicable, is greater than the estimated cost, the person or persons applying for the installation of the main or main extension shall pay the difference to the Bureau unless the total actual cost is equalled by the capitalized revenue computed. If the actual cost remaining after the allocation, if applicable, is less than the estimated cost, the excess shall be refunded to the person or persons who have paid for such main or main extension. In determining actual costs, allowance shall be made for overhead expenses in accordance with the provisions of the finance

regulations, Title 5. Determination of the amounts to be paid or refunded shall be made by the manager of the Bureau, subject to appeal to the city council, and the decision of the council shall be final. When the owner or agent requests a set price for such installation, the Bureau shall make a price based on the estimated cost and in no case after a set price has been established shall refunds or additional charges for the installation be made except in those cases where changes have been made at the request of the applicant. In all cases the size of mains and main extensions and the specifications for laying the same shall be determined by the water engineer and the manager, and water mains and main extensions within the city shall be installed solely by the city, except as otherwise provided herein and shall be the property of the city. Water mains may be installed in private streets in Planned Unit Developments as described in Ordinance No. 148244 subject to prior approval of the manager and chief engineer of the Bureau and subject to all conditions contained therein as well as to this Section. Cost of all such mains and appurtenances in private streets shall be borne by the petitioner. The developer of a new residential subdivision within the city may petition the manager for permission to construct water mains and appurtenances within the limits of the subdivision. The manager may approve such installations by the developer, provided that plans and specifications are approved in writing by the water engineer and further provided that all costs of the installation, including construction and inspection by the city are borne by the developer. A connection to the city system would be made by the Bureau upon satisfactory completion, acceptance, and transfer of ownership to the city. Contributions to costs of water main installations from revenue would be allowed where applicable, at the time of connection to the city system. In no cases shall revenue allowances exceed those which would occur if the installation were made by the Bureau.

Section 21.08.040 Distribution main extensions outside the city.

Property adjacent to an existing city water main outside the city may apply for service therefrom and service may be granted subject to the conditions contained elsewhere in this title and subject to the other provisions of this section, if the water engineer and the manager in charge determine that such new service will not unreasonably impair the water supply or pressure to pre-existing services connected to such water main, either inside or outside the city. Any person desiring a main extension outside the city may apply therefor and the water engineer and the manager in charge of the Bureau may cause the main extension to be made, or may permit the connection to city main or a line laid by the applicant to city specifications and sizes required by the water engineer, if the water engineer and the manager determine that the extension or connection will not unreasonably impair water supply or pressure to existing services, whether inside or outside the city, and cannot reasonably be served through any other supplier presently existing or reasonably possible, subject to the following conditions: The manager and the commissioner in charge

may determine whether the Bureau shall lay such main extension or whether private construction to city specifications and sizes required may be permitted. No contribution to the cost thereof shall be made by the city on account of revenues derived or to be derived from services supplied through the water main extension. If the Bureau is to lay the main extension, the applicant for service shall pay to the Bureau the estimated cost thereof prior to construction, and the cost includes the cost of any bond or other security required by any subdivision of government having jurisdiction over the location of the main extension. If the actual cost, including overhead expenses computed in accordance with the provisions of the finance regulations, Title 5, exceeds the amount prepaid, the applicant shall pay the difference to the Bureau. If the actual cost computed as herein prescribed is less than the amount prepaid by the applicant, the difference shall be refunded to him. When the owner or agent requests a set price for such installation, the Bureau shall make a price based on the estimated cost and in no case after a set price has been established shall refunds or additional charges for the installation be made except in those cases where changes have been made at the request of the applicant. After construction and/or connection the main extension or water line lying between the pre-existing city main and each meter attached to the main extension, shall become and be the property of the city. The city shall not be responsible for any change or enlargement of the main or main extension outside the city, and shall not be responsible for any portion of the cost of relaying or changing the main or main extension because of subsequent improvement of any public work. Application for connection of property outside the city to city water main or main extension shall be deemed a waiver of any deficiency of supply, pressure or any other inadequacies, whether attributable to prior or future connections or extension, and shall be deemed a covenant that the applicant will comply with all provisions of this title and the rules and regulations of the Bureau and must have prior approval of the Portland Metropolitan Area Local Government Boundary Commission.

Section 21.08.050 Service installation at time of main extension. Where revenues are allowed, as provided in Sections 21.08.030 and 21.08.040 for applications filed for premises immediately adjacent to the proposed main, the service and meter applied for must be installed at the time of installation of the main extension and must be applied for prior to the start of construction. If special location of the service has not been properly specified or marked by the applicant, the service will be installed to the center of the property line facing the main. Such service may not be discontinued for a period of three years thereafter, except that such discontinuance may be permitted upon payment of the capitalized revenue allowance established for the particular service to the original petitioner.

Section 21.08.060 When revenue not allowed on costs. No revenue shall be allowed for main extensions unless the main is a permanent main and the service applied for is to serve a permanent building, either in existence or for which a building permit has been issued. No revenue

allowance may be made on mains laid outside the city boundaries to supply outside city accounts. No revenue allowance shall be provided for water mains installed in private streets or easements within Planned Unit Developments, provided however, that oversizing of mains to serve properties outside a Planned Unit Development may be chargeable to Water Supply as set forth in Section 21.08.090.

Section 21.08.070 Refund of payment for main extensions. Whenever a portion of the cost of a water main within the city and the laying thereof has been paid by or on behalf of the property to be served within the city, and the revenues received by the city per year for a three year period through services connected to the main within the portion for which payment has been made equal nine percent of the original cost of the main and the laying thereof, the city shall refund to the person or persons who paid a portion of the cost, upon his demand, the amount of the payment less two and one-half percent per year for depreciation from the date when the water main or main extension was laid if within ten years, subject to the following exceptions: Where developers were authorized to lay water mains within the limits of residential subdivisions, such developers shall be entitled to receive a refund in the same manner as set forth in this section upon presenting a complete report of costs incurred therein; however, in no cases shall a refund exceed the estimated costs which would have occurred if the main would have been laid by the Bureau. Prior to determining the actual amount of payment which may be refunded, the Bureau shall deduct all payments which were made for subsequent connections to said main, provided such connections were made on and after January 25, 1979; If a water pipe less than four inches in diameter has been used as a water main, and such size has been approved by the water engineer and the manager because of the special and peculiar circumstances, no refund shall be made of any portion of the cost of the pipe or the laying thereof, unless the pipe has been designated as a permanent main, and the property so served shall not be entitled to any replacement, change or enlargement at city expense, and consent by the applicant to prepayment for a water pipe less than four inches in diameter shall be deemed a waiver of any future deficiency or inadequacy of water supply or pressure, whether attributable to use by said premises or by other premises subsequently connected to such main, or to extensions thereof. No similar refunds shall be made to property outside the city, but if the property paying for the cost of a water main extension by the city while located outside the city is subsequently annexed to the city, then refunds may be made thereafter to the person paying for the cost of the main extension on the same terms and conditions as set forth above.

Section 21.08.080 Adequate mains before street improvement. The council may require that adequate water mains be installed and charged for in accordance with the provisions of this title prior to street improvement.

Section 21.08.090 Council authorization for laying water mains. The council or its administrative officers may cause to be laid or installed at city expense, whatever pipe lines, extensions, enlargements at the time of initial main installation or subsequently, interconnections, pumps, tanks, reservoirs, dams, works and appurtenances which are found by the

manager and the commissioner in charge to be necessary, advantageous or convenient. This shall not be deemed to confer any right or privilege upon any person or premises to have a water main laid at sole city expense. The portion of the cost of any main and the laying thereof installed to serve residential premises or area only, and laid after August 1, 1957, which is in excess of the cost of a six inch cast iron main and the laying thereof, shall be deemed allocable to water supply. Such allocation shall be paid from the water construction fund at city expense except where the Fire Bureau requires larger flows for fire protection requirements, those costs shall be at the applicant's expense.

- c. A new section 21.12.185, titled Master metering of more than one water service is hereby added to Title 21, Water, of the Code of the City of Portland and to read as follows:

Section 21.12.185 Master metering of more than one water service. The Bureau, at its sole discretion, may permit the master metering of more than one water service. In such case, the owners or occupants of the premises served shall designate one of their number who shall be responsible for the payment of all water charges and the acceptance of service of all water related notices. In the event payment for water charges is not made in full when due, the Bureau may terminate the service pursuant to normal procedures, in spite of the tender of partial payment by any other owner or occupant of the premises so served.

- d. A new section 21.12.360, titled Shut off valve is hereby added to Title 21, Water, of the Code of the City of Portland and to read as follows:

Section 21.12.360 Shut off valve. A shut off valve of approved pattern, must in all cases be placed within three feet of the point where the pipe enters the building. If the building is not provided with a basement, such valve must be placed near the outside wall thereof and protected by a suitable enclosure.

- e. A new section 21.12.370, titled Service to property partially outside city is hereby added to Title 21, Water, of the Code of the City of Portland and to read as follows:

Section 21.12.370 Service to property partially outside city. Where service is requested for a property partially inside and partially outside of the city limits, service may be provided if the principal structure is on the portion of the property inside the city limits and within the urban growth boundary of the city. Should other structures be in said portion of the property outside the city, the city may provide service through separate services and meters and shall charge rates in accordance with outside city service. Such services shall be installed at the expense of the owner of the premises.

- f. Chapter 21.12, Water Services of Title 21 of the Code of the City of Portland hereby is amended to read as follows:

Section 21.12.010 Service to property adjacent to water main. Property adjacent to a city water main may be served subject to the provisions of this code and the water rate ordinance. Whenever a portion of the cost of the main, from which service is sought, has been previously paid on behalf of an adjacent property, and further provided the main has been installed within ten years prior to the date of application, the main is within the city, the property for which service is sought was not owned by the original petitioner at the time the main was installed, and no refund has been made of the cost, as provided in Section 21.08.070 of this code, then the connection may be permitted only if the applicant for service pay to the Bureau a pro rata share of the cost of the main. The pro rata share will be determined by the initial actual cash payment made by the adjacent property owners for the main less two and one-half percent per year, or fraction thereof, computed from the date of installation to the date of application. The remaining cost will be divided by the total footage of main applicable to the initial cost and the applicant shall pay 50% of the footage cost times the frontage of the applicant's property adjacent to the main. After such payment by the applicant, the refund shall be made by the city to the individual who made the original payment. If application is made for service from a water main less than four inches in diameter, the connection shall be deemed temporary unless such main was designated as a permanent main, however in any case, such connection shall not entitle the person or premises to have said main replaced with a larger main at city expense. The application for service from a four inch main or smaller shall be deemed a waiver of any deficiency of supply, pressure or any other inadequacy, whether attributable to prior or future connections or extensions. The application shall be deemed a covenant that the applicant will comply with all the provisions of this title and the rules and regulations of the Bureau.

Section 21.12.020 Size of service connection. Whenever an application for water service is received, the water bureau manager or his designated agent shall have authority to reject such application if, in the judgment of the manager, the service and meter size applied for is expected to be less than the size necessary for estimated use by the premises of the applicant. In such event, the water bureau manager or his agent shall specify the minimum size of service line and size and type of meter. The minimum designation shall not be a warranty of sufficiency for pressure or volume of water to be afforded the premises. No service connection less than three-fourths inch in size shall be installed.

Section 21.12.030 Application for installation or removal of water service. The owner or authorized agent shall make written application for permits to connect or disconnect premises with or from the city water system on forms provided by the water business operations supervisor, in which the applicant shall specify the location and the use for which the service is required, and shall agree to abide by the rules

and regulations of the Bureau. An application for a permit to connect premises with the city water system for service to a new building or structure shall not be accepted for filing unless a building permit has been issued for such building or structure as provided in the building regulations of the city. No application shall be deemed for residential use unless a building permit for the residence has been issued. No permit shall be issued upon application unless the conditions set forth in this title relating to main extensions have been met, if applicable, but any permit issued on application to connect premises with the city water main shall not entitle the permittee to a connection to the main until it is laid adjacent to the premises of the owner. Acceptance of fee for the permit shall not waive any of the conditions set forth in this title nor grant any specific right of connection. Any service connection made outside the city limits must receive prior approval of the Portland Metropolitan Area Government Boundary Commission.

Section 21.12.040 Cancellation of application for service. For all unfilled water service applications which have not been installed, the fee paid for application for a water service may, upon written request, be refunded in full if application is cancelled. The City shall retain costs for any work already performed plus a 15% fee for handling and overhead as a service charge. All unfilled service applications having an age of six months or more as of the first of each calendar year shall be cancelled and the fee less the service charge shall be returned to the applicant. Cancellation may not be made where application for service was used to provide revenue for a main extension under the provisions of this title.

Section 21.12.050 Service installation fees. The fees for the installation of water service to and including one inch in size shall be as provided in the annual water rate ordinance and shall be paid prior to service installation. All ordinance charges for laying service pipes of one inch or less in diameter to a point on the property line shall be calculated as if the water main were laid in the center of the street in order that a uniform charge may be made to the property abutting on opposite sides of the street. The charge for service installation not covered by a fixed ordinance charge shall be cost plus overhead, as provided in the finance regulations, Title 5 of the Code of the City of Portland. A deposit of estimated cost of the work or payment bond in lieu of deposit may be required, as provided in Title 5 of the Code of the City of Portland before a permit is granted for such installation. When the estimated cost is not sufficient to cover the total expense for labor and materials, the deficit shall be charged to the applicant, for which such installation was made and to the owner thereof, and any excess payment shall be returned to the person applying for the installation. When the owner or agent requests a set price for such installation, the Bureau shall make such a price based on the estimated cost. In no case after a set price has been established shall refunds or additional charges for installation be made by the Bureau unless changes in installation or location are requested by the applicant. Service branches may be installed by the Bureau when the manager determines that such installations will benefit the City. The actual cost of

the service branch will be charged to the applicant at the time of the installation and will be deducted from the current ordinance charge for the service upon acceptance of an application for service; if made within 5 years from the date of the branch installation. If an application is not made for service within 5 years, the Bureau may disconnect the service branch at the main.

Section 21.12.060 New service where change in size or relocation is desired. In the event a service of a smaller or larger size is desired, a new service will be installed and the charge therefor will be as provided in the annual rate ordinance. The old service will be removed without charge providing the new service is in the same location. If not in same location, applicant will pay for removal of the old service in accordance with Title 5, of the Code of the City of Portland except when the relocation is made for the convenience of the city. If the Bureau has identified a service as being defective, a new service of a smaller size may be substituted at no charge to the applicant at the time the defective service is being replaced provided there is written authorization. However, if an application for a larger service is received, the applicant will pay the difference between the two sizes, credit will be applied for cost of the meter for the service being removed as herein provided. When the service includes a city-owned meter installed after July 1, 1978, a credit shall be allowed for the meter, against the cost of the new installation, using the original cost of the meter less 4% depreciation per year if changed within 10 years of the original installation. In no case shall a meter credit exceed the cost of the new service. Reduction in service size will not be allowed when a revenue allowance has been provided in accordance with Sections 21.12.030, 21.12.040 and/or 21.12.050

Section 21.12.070 Separate service. A separate service or meter to supply domestic, commercial or fire protection water shall be required for each house, building or premises, and premises shall be deemed separate when two parcels of land in the same ownership are separated by a different ownership or by a street or public way, unless otherwise authorized by the water manager. When there are two or more houses or buildings on one lot of ground consisting of five thousand square feet or less, the Bureau may, upon application, divide the service at the curb, extend to the property line, provide a separate stop cock, meter and meter box. The charge for such service division shall be as provided in Title 5 of the Code of the City of Portland. Auto courts, trailer camps and house boats shall be considered as one unit and charged at the established meter rates. Notwithstanding the foregoing requirements of this section, however, a single water meter may be used for domestic service and a single meter for fire service to two or more buildings in the same ownership used by one person for a single commercial or industrial occupancy if all the following conditions are met.

(1) The buildings are separated only by land in the same ownership or by an alley twenty feet or less in width in which no city water main is located,

(2) The water service applicant has obtained from the city council a revocable permit to lay and maintain at his own expense in the alley, if any, a private water line connecting his buildings;

(3) Both the owner and occupant, if different persons have entered into a written agreement with the city, which shall be executed on behalf of the city by the commissioner when approved by the city attorney as to form, which shall provide that if the property on which the buildings are located is divided by sale, the Bureau shall be notified and separate water services shall immediately be obtained for each ownership or occupancy.

Section 21.12.080 Installation of service pipes from the meter to the building served. Pipes of all sizes for all purposes laid from the meter to the building shall not be less than three-fourths inch in diameter and shall conform with Title 25, of the Code of the City of Portland. Pipes to be used for fire protection services must conform to the standards of the Bureau and be approved by the water bureau manager. Services from the property line to the wall of the building shall be laid with not less than twenty-four inches of cover below the surface of the graded ground. Pipes laid for lawn sprinkling systems must be installed so that the system may be properly drained in freezing weather. No connections other than the primary service connection shall be made within the meter box or chambers. No water supply pipes shall be laid in sewer ditches. No connection may be made between the meter and property line. The water supply system piping shall not be used for the grounding of electrical circuits. Provisions for alternate grounding as noted in the National Electrical Code and adopted by the City of Portland, through the Electrical Division, shall be utilized.

Section 21.12.090 Outside connections. No faucets shall be allowed on the outside of any building except hose connections, which must be controlled with a separate shut off valve. No hose connections for domestic use will be allowed on sidewalks, or at the curb lines where they are accessible to the public, except in those conditions as allowed by Title 25, Plumbing Regulations, of the municipal code. All water supply pipes must be extended into the building.

Section 21.12.100 Service installation and maintenance responsibility. The Bureau shall locate and install all service connections including the construction of a suitable chamber or box for housing the meter, except as otherwise provided in Section 21.12.100 and 21.12.250 in accordance with this title and ordinance provisions of the city and practices of the Bureau. The Bureau shall be responsible to maintain, repair, and replace the service connection through the meter and the angle meter coupling on service connections of one inch or less and through the meter and the downstream meter valve on services more than one inch. The customer is responsible for that portion of the service connection from the angle meter coupling or downstream meter valve, whichever is closest to the meter, to the point of consumption regardless of the location of the property line.

Section 21.12.110 No change.

Section 21.12.120 Use of private water and city water. Owners of buildings desiring to use both a city water supply and a supply of water other than that furnished by the city may obtain city water at meter rates upon the following conditions and not otherwise. Under no circumstances shall a physical connection, direct or indirect, exist or be made in any manner, even temporarily, between the city water supply and that of a private water supply. Where such a connection is found to exist, or where provision is made to connect the two systems by means of a spacer or otherwise, the city water supply shall be immediately shut off from the premises with or without notice. In case of such discontinuance, service shall not be reestablished until satisfactory proof is furnished that the cross connection has been completely and permanently severed or that any approved backflow prevention device has been installed to eliminate any possibility of contamination of the city water supply.

Section 21.12.130 Charges for service pipes connected without permit. When premises or additional premises are connected without the application prescribed in this chapter, the premises may be charged as prescribed in the annual schedule of water rates and the service may be shut off by order of the water bureau manager. In case water shall be turned off as provided in this section, the same shall not be turned on again until all rates and charges against the premises have been paid in full.

Section 21.12.140 Abandoned and nonrevenue producing services. When new buildings are to be erected on the site of old ones and it is desired to increase the size or change the location of the existing service connection, or when a service connection to any premises is abandoned or no longer used, the water business operations supervisor may cut out or remove the service connection, after which, should a service connection be required to the premises, a new service shall be placed only upon the owner's making an application and paying for a new tap in the regular manner. Should it be desired to retain the old service connection, a written agreement may be made to pay a monthly standby charge for the inactive service based upon the size of service in accord with current water rates and charges.

Section 21.12.150 Service disconnection. Any service supplying a building will be considered unusable at such time as the building is torn down and upon notification to the owner may be disconnected at the main by order of the water manager, except that a written agreement may be made to continue the service upon payment of a standby charge thereon. If water service is thereafter requested for the premises, a new service will be installed at the expense of the property owner. Existing inactive curb services will be considered unusable, unless the service is of copper pipe and delivers a flow of water which the water manager finds adequate for service requirements.

Section 21.12.160 No change.

Section 21.12.170 No change.

Section 21.12.180 Adjustments on account of leaks. Where a leak exists in the water system on the property side of the meter and it has been repaired within thirty days after the owner, agent or occupant of the premises has been notified by the Bureau of the leakage, or has been notified to check for leaks, or within ten days after complaint on the bill, the water bureau manager or his designated agent may allow adjustments based on extenuating circumstances. A plumbing permit for repair of the service must be obtained before any adjustment can be made unless otherwise authorized by the manager.

Section 21.12.190 Fire protection service. Fire protection water pipes to be used in case of fire only will be allowed within and without buildings on the following conditions:

(1) The connection with the city main, the construction of a suitable vault to house the metering device, and the installation of the metering device shall be made by the Bureau except where the manager permits a detector double check valve assembly or approved equivalent to be installed by the owner on his premises, in which case the Bureau shall install the service pipe from the main to the customer's connection at the property line. Payment for the installation shall be made as prescribed in this title.

(2) No charge shall be made for water used in extinguishing fires if the owner or agent reports the use to the water business operations supervisor in writing within ten days of the usage.

(3) The Bureau shall require a meter of approved pattern to be installed on any fire protection system or combination hose and sprinkler system, in accordance with Bureau standards, except as provided in this title.

(4) A proportional meter or detector check may be installed on a fire protection service which supplies water to a wet or dry sprinkler system provided owner or agent of the building submits plans for approval and agrees in writing that water supplied through this service will not be used for any purpose except for extinguishing a fire. Private on-site hydrants and hose connections will be permitted only if an approved automatic centrally monitored alarm system is installed and functioning when activated by the use of water through the service.

(5) An approved backflow prevention device with a metered bypass may be substituted for a detector check. With the manager's approval the backflow prevention device may be installed on the customer's premises immediately adjacent to a public street under certain conditions. Where such approval is granted, the customer shall complete the installation from a point at the property line, furnish an approved device, provide an approved vault or housing for the device, and install a remote reader in the street area. Cost of the service connection from the main to the property line and inspection of the customer's installation shall be made as prescribed in this title.

Section 21.12.200 Unmetered fire protection service. Notwithstanding the provisions of this title, anyone who maintains a system for fire protection to a building, which system was in existence on January 2, 1953, and connected to the public service but not through a meter, may at his option on or after January 1, 1953, obtain city water for such fire protection system, provided that no extension or addition to the existing water service is made inside the property line, by paying to the Bureau the rate established from year to year by the water rate ordinance. Anyone who installed an automatic sprinkler system in the basement only of an existing building as required by Section 14.530 of Ordinance No. 78461, as amended, which system was connected with the public service after July 1, 1953, or anyone who installs an automatic sprinkler system in the basement only of an existing building as required by Section 31.20.310, which system was connected with the public service prior to January 1, 1967, by a pipe with a diameter of two inches or less and including sprinkling heads required to be installed below the upper landing of the basement stair, may at his option obtain city water for such fire protection sprinkler system from a connection at the curb through an existing metered or unmetered service pipe to the property, by paying to the Bureau a standby charge as established from year to year by the water rate ordinance. If anyone receiving city water under the provisions of this paragraph makes alterations, fire line additions or extensions, or adds hose connections, an immediate installation of an approved meter shall be required by the Bureau. In the event of such changes, unmetered water used may be estimated as to quantity by the water business operations supervisor and charged at double the regular meter rates. All existing unmetered fire services shall be metered effective July 1, 1980. The Bureau shall install such metering devices at the expense of the customer after July 1, 1980.

Section 21.12.210 Unauthorized use of fire protection service. If at any time, it is found that hose connections have been added to a fire protection system provided with a proportional meter, detector check or detector double check valve assembly, which system does not have an approved automatic alarm system as required in Section 21.12.190 (4) or that registration is recorded on the metering device while not being used to extinguish a fire, the immediate installation of an approved full registration meter will be required by the Bureau and water registered or estimated to have been used through the service shall be charged for at double the regular meter rates.

Section 21.12.220 Permit and report required to do plumbing work. It is unlawful for any plumber or other person to make connections, installation, replacements, extensions or repair to any city water service pipe, or to connect one service pipe with another service pipe, or extend a pipe from one building to another building, or to turn water on or off at any premises without having first obtained permission in writing from the water manager. After the issuance of a permit to a plumber or other person authorized by the plumbing inspector to do plumbing work, the permittee shall make a report in writing to the plumbing division of the bureau of buildings of all connections, attachments and extensions made by him in accordance with the permit within three days after completion of work.

Section 21.12.230 Service location change. When service connection of any premises on an unpaved street does not exceed one inch in size and the same does not come from the main in front of the premises, the manager shall, when a main is laid in front of said premises, after notifying the owner or tenant thereof, provide a service connection to the new main without charge and at the same time, cut the old service connection. The property owner shall be responsible for the building connection to the new service. When a new main is laid in any street, owners of premises on the street, or within one-half block on side streets who are being supplied with city water through a private main or a connection to another private service, shall make application for a tap and shall connect to the service from the new main laid by the Bureau.

Section 21.12.240 Location of meters inside city. Within the city, water meter shall be located in or adjacent to street area where the Bureau fixes such location, except where a city water main is already located in an easement upon private property, in which event the Bureau may allow location of a water meter on or adjacent to such existing line, if necessary easements for the meter installation are offered to and accepted by the city. Certain detector check devices as referred to in Section 21.12.190 may be excluded from this provision.

Section 21.12.250 No change.

Section 21.12.260 Ownership of meters. Effective July 1, 1978 all new services will have meters provided and installed by the Bureau, except as provided in Section 21.12.190, and the cost of the meters plus installation shall be charged to the customer requesting the new service. The new meters shall be owned by the Bureau and the Bureau shall assume all repair, maintenance and future replacement responsibilities for the new meter. Where private meters exist, the Bureau shall perform all repair, maintenance and replacement work at the expense of the private meter owner. If the private meters are no longer acceptable or repairable, the private meter owner will be required to pay for a new meter plus installation and may retain the old meter for disposition. The private meter owner may choose to have the Bureau replace an existing meter at any time at the owner's expense. If ownership of a new meter is transferred to the Bureau by the owner, the Bureau will assume responsibility for future maintenance, repair and replacement. When it is in the interest of the city, the Bureau may rent meters. In such cases, rental charges shall continue to be in an amount sufficient to recover the costs of the meter in ten years, to allow for normal repairs and to provide a fair return on investments therein. Nonpayment of such monthly charges shall be cause for terminating water service to the premises served.

Section 21.12.270 Damaged meters owned by city. Whenever a city owned meter is burned out by hot water or damaged by the carelessness or negligence of the owner or occupant of the premises, or others,

the Bureau will repair the meter and charge the bill against the property served or to the person or persons responsible for the damage. The cost of the repairs shall be as prescribed in the annual water rate ordinance.

Section 21.12.280 Testing meters. When any water consumer makes a complaint that the bill for any particular period is excessive, the Bureau will, upon request, have such meter reread and the service inspected for leaks. Should the consumer then desire that the meter be tested, he shall make a deposit as prescribed in the annual water rate ordinance to cover the cost of making the test. Should the meter on test show a registration in excess of three percent in favor of the Bureau, the amount deposited will be refunded and the Bureau shall make an adjustment for the estimated excess consumption on the bill immediately preceding and/or the current bill. The excess registration on the reading for the previous and/or current billing period shall be credited to the account. Where no error is found exceeding three percent in favor of the Bureau, the amount deposited will be retained to cover the expense of such test.

Section 21.12.290 No change.

Section 21.12.300 No change.

Section 21.12.310 Meter area and access to be clear. It is unlawful for any person to store or maintain any goods, merchandise, material or refuse, or install equipment over, under or within six feet of any water meter, gate valve or other appliance in use on any water meter connection of the Bureau. Whenever it is necessary to enter a building to read the meter or work on the water connections, a safe passageway must be maintained by the occupant of the premises, free and clear of obstructions from the entrance of the building to the meter. Shrubs and landscaping shall not obstruct reading of the meter. Any obstructions may be trimmed or removed by the Bureau, and the owner or occupant and the premises may be charged as prescribed in the finance regulations, Title 5.

Section 21.12.320 Shut off because of defective installation. Whenever water meters inside the city are found by the Bureau to be without adequate support, or with defective plumbing, or without shut-off equipment necessary to permit meter tests by the Bureau, or where through earth movements or subsidence, pipe bends or connections have become faulty or are not tight, then the Bureau shall notify the owner to remedy the condition within ten days from date of notification. Where the notice has been given specifying the repairs or alterations to be done, then if the repairs or alterations are not completed within the time allowed, the water service shall be shut off until the repairs or alterations are completed. The Bureau manager may allow additional time for completion of repairs or alterations for extenuating circumstances.

Section 21.12.330 Authority for testing and repairing meters. The Bureau may test and/or repair any meter on services supplied directly by the Bureau at any time without application from the owner and for this purpose may upon notice temporarily shut off the water. If a privately owned meter on city lines requires repairs, the Bureau shall give notice to the owner or user and immediately place said meter in good working order. The cost of repairs shall be in accordance with Title 5 of the Code of the City of Portland and charged to the premises served by the meter. If the meter is not repairable due to wear, obsolescence or nonavailability of parts, the Bureau will replace the meter in accord with Section 21.12.260. Defective meters owned by the water bureau will be repaired at Bureau expense.

Section 21.12.340 No change.

Section 21.12.350 No change.

g. Chapter 21.16, Rates and Charges, of Title 21 of the Code of the City of Portland hereby is amended by deleting Section 21.16.040 and 21.16.050 in their entirety.

h. Chapter 21.16 of Title 21 of the Code of the City of Portland hereby is amended to read as follows:

Section 21.16.060 Dates and places of payment. Charges for water used shall be computed quarterly and bills delivered quarterly to all consumers except for accounts as determined by the manager of the Bureau to be billed monthly, and for which bills to be delivered monthly. The bill schedule shall be kept on file in the office of the Bureau. The water bill will be due and payable twenty-one days after billing at either the Bureau or at authorized pay stations established by written agreement with the Bureau manager.

i. Chapter 21.16 of Title 21 of the Code of the City of Portland hereby is amended to read as follows:

Section 21.16.110 Adjustments and refunds. The manager in charge of the Bureau, may make adjustments or refunds where it is deemed necessary for the proper conduct of the business of the Bureau. A full explanation of the reason for the adjustment or refund must be filed with the office records.

j. Chapter 21.20 of Title 21 of the Code of the City of Portland hereby is amended to read as follows:

Section 21.20.020 Temporary shut off. Should it be desired to discontinue the use of water service, notice in writing must be filed with the Bureau by the owner, agent or tenant. Shut off orders may not be accepted by telephone. However, this provision will not apply to fire protection services which shall be shut off only on order of the owner or authorized agent.

- k. Chapter 21.20 of Title 21 of the Code of the City of Portland hereby is amended to read as follows:

Section 21.20.040 Unlawful to use water without authority. It is unlawful for any water consumer or other person, without authority from the Bureau, to turn on, or cause to be turned on, a water service that has been shut off by the Bureau for nonpayment of a water bill.

- l. Chapter 21.20 of Title 21 of the Code of the City of Portland hereby is amended to read as follows:

Section 21.20.050 Authority to shut off service. The Bureau reserves the right at any time, without notice to shut off the water supply for repairs, extensions, nonpayment of bill and charges or any other reason. The Bureau shall not be responsible for any damage, such as the bursting of boilers, the breaking of any pipes or fixtures, stoppage or interruption of water supply, or any other damage resulting from the shutting off of the water.

- m. A new section 21.24.080 titled Emergency loan of materials is hereby added to Title 21, Water, of the Code of the City of Portland and to read as follows:

Section 21.24.080 Emergency loan of materials. The manager of the Bureau may approve emergency loan of operating materials and equipment on a temporary basis to other governmental agencies, including water districts and municipalities, at their expense upon their written request, if such loan does not adversely affect the operation of the Bureau.

- n. A new section 21.24.090 titled Impairment of service to other customers is hereby added to Title 21, Water, of the Code of the City of Portland and to read as follows:

Section 21.24.090 Impairment of service to other customers. Where the use of water is intermittent or where such use produces extreme volume or fluctuations that may impair service to other customers, the Bureau may require that the customer provide, at his own expense, suitable equipment to reasonably limit fluctuations in use and pressures caused by the customer's equipment or operations.

- o. A new section 21.24.100 titled Other conditions of service is hereby added to Title 21, Water, of the Code of the City of Portland and to read as follows:

Section 21.24.100 Other conditions of service. Before water service will be provided by the Bureau, the customer shall obtain any approval of facilities furnished or installed by him which may be required by the Bureau of Buildings or the Fire Department of the City of Portland or any other authority whose approval is required by law.

- p. Chapter 21.24, Rules and Regulations, of Title 21 of the Code of the City of Portland hereby is amended to read as follows:

Section 21.24.010 No change.

Section 21.24.020 Fire hydrants. Permitted Use. Public fire hydrants are available for use of the Fire Department in the suppression of fire within the city. No other use of public hydrants shall be allowed except as provided in this Section. The Bureau may permit short term use of specified hydrants for activities such as tree spraying, street cleaning, ditch settling, building demolition and related uses at the discretion of the manager, however, in each instance, a permit is required. A permit will be issued by the Bureau for a period not to exceed one year. Upon application the permittee will present a Chapman type (slow closing) gate valve to the Bureau to be tagged with a valid permit listing applicant's name, expiration date and authorized locations. Rates and charges for usage will be specified in the Annual Water Rate Schedule. Backflow protection will be required on all potential hazards to the public water supply as determined by the manager.
Installation and Maintenance. All fire hydrants connected to the Bureau's water system within the public right of way are the responsibility of the Bureau for installation and maintenance, except as referred to under Section 21.08.030 while any hydrant connected to the system outside the city will be at the petitioner's expense. The petitioner will be required to pay all expenses for additional hydrant installations to meet requirements of the Fire Bureau and in all instances the chief engineer will have final review. The Bureau may elect to allow a contractor to install to Bureau standards, fire hydrants as part of his subdivision under Section 21.08.030. The developer will install these hydrants at his expense and turn over to the Bureau at such time as the main and appurtenances are accepted by the Bureau to become part of the city system.

Section 21.24.030 Water for naval vessels in harbor. The Bureau is authorized to furnish water to any visiting naval war vessel of the United States or to any visiting naval war vessel of any foreign country entering the harbor in the city, without payment.

Section 21.24.040 No change.

Section 21.24.050 Addition of Chemicals Prohibited. It is unlawful for any person to make a connection to a system connected to the public water supply for the purpose of introducing chemicals for use as fertilizers, pesticides, herbicides, or other uses incompatible with potable water supplies, unless specifically authorized by the Bureau. Such authorization will be provided only on the condition that there is complete protection against contamination of the public water supply by the installation of an air gap or approved backflow prevention device.

Section 21.24.060 No change.

Section 21.24.070 No change.

- q. A new section 21.28.050 titled Resale of water prohibited is hereby added to Title 21, Water, of the Code of the City of Portland and to read as follows:

Section 21.28.050 Resale of water prohibited. Outside city distributors shall sell no water to other distributors without the prior written approval of the manager of the Bureau. Such sales shall be subject to such conditions as the manager may impose. In the event the distributor makes such sales without such approval, the city may make corresponding reductions in the amount of water supplied to distributor or may impose rate penalties as deemed appropriate by the manager of the Bureau and the commissioner in charge.

- r. A new section 21.28.080 titled Suspension of service is hereby added to Title 21, Water, of the Code of the City of Portland and to read as follows:

Section 21.28.080 Suspension of service. The Bureau may suspend temporarily the delivery of water, for the purpose of making repairs or improvements to its system. During any emergency, the department may apportion the available water supply among its customers in that manner which appears most equitable under the circumstances then prevailing and with due consideration for public health and safety.

- s. Chapter 21.28, Distribution of Surplus Water, of Title 21 of the Code of the City of Portland hereby is amended to read as follows:

Section 21.28.010 Service outside city. The Bureau may furnish surplus water to places, individuals, water companies, cities and water districts outside of the city boundaries and may charge therefor rates fixed by the Council in the water rate ordinance. Subject to the provisions of Section 21.12.260, the customer must purchase a water meter of approved size and design, which shall be located where required by the city.

Section 21.28.020 No change.

Section 21.28.030 Water supply to distributors by contract. When any outside distributor desires to purchase surplus water from the Bureau, the mayor and commissioner in charge of the Bureau may enter into and execute contracts to supply surplus water in accordance with the rates established by the council and subject to all the provisions of the Charter and ordinances, and may include special terms and provisions found by the commissioner in charge to be reasonable and appropriate in the particular circumstances.

Section 21.28.040 Information to be furnished by distributors. On or before July 31 of each year, all outside city distributors shall furnish to the manager of the Bureau a legal description or map of the distributor's service area, at a scale no smaller than 1,000 feet to the inch showing the boundaries of the area supplied or to be supplied by its distribution system, and in addition, a map or maps showing all existing mains and those proposed to be installed within the next 12 months, the location, capacity, and overflow elevation of all storage tanks and reservoirs, as well as connections to other sources of water supply, whether such supply is owned by the distributor or obtained from others. All distributors shall furnish to the manager of the Bureau within ten (10) days after the end of each month a statement showing the number of cubic feet of water sold by each source. All distributors shall report, on or before July 31 of each year, the origin, capacity, usage and quality of each alternate source of water supply. All distributors shall also furnish on or before July 31 and January 31 of each year, a detailed list of the total number of new water service connections and locations segregated into the categories of single-family dwellings, duplexes, dwellings of three or more units, commercial, industrial, and private fire line services and the size of the meter for each service installed during the previous six (6) months as of June 30 and December 31. All distributors shall furnish, not later than July 31 of each year, a statement listing both the total active and inactive services supplied directly and indirectly by distributor through other distributors as of June 30.

Section 21.28.060 Local storage required. All outside city distributors must provide a minimum storage of three times average daily consumption of water. The water supply may be discontinued at any time for noncompliance with this section.

Section 21.28.070 Other applicable provisions. The provisions of Section 21.24.010, 21.24.080, 21.08.020, 21.08.040, 21.12.270, 21.12.290 through 21.12.320, 21.12.340 through 21.12.360, 21.16.010, 21.16.100, and 21.20.050 shall apply to all outside city distributors and individuals purchasing surplus water.

1076
Calendar No. ~~984~~

ORDINANCE No. 119319

Title

An Ordinance amending Title 21, Water Code of the City of Portland by deleting, adding, renumbering and amending sections for clarification.

THURSDAY

MAR 20 1980

PASSED TO THIRD READING MAR 27 1980

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie		
Jordan		
Lindberg		
Schwab		
McCready		

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
Commissioner Ivancie

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities <i>FJI May</i>
Works

BUREAU APPROVAL
Bureau: Bureau of Water Works
Prepared By: R.C. Hyle /vw Date: 3/4/80
Budget Impact Review: <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <i>[Signature]</i> Carl Goebel, Administrator

NOTED BY
City Attorney
City Auditor
City Engineer <i>[Signature]</i>

Filed MAR 13 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

[Signature]
Deputy

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