

Authorize the rates and charges for water and water-related services beginning July 1, 2023 to June 30, 2024 and fix an effective date

Ordinance

The City of Portland ordains:

Section 1. The Council finds:

1. Pursuant to Section 11-105 of the City Charter, this Council has determined revenues are needed to cover Portland Water Bureau costs, and the Commissioner-in-Charge of the Portland Water Bureau recommends the rates and charges prescribed herein be adopted in order to meet the Portland Water Bureau revenue requirements for the fiscal year beginning July 1, 2023.
2. This Ordinance has been approved by the Office of the City Attorney.

NOW, THEREFORE, the Council directs:

- A. The Commissioner-in-Charge and Auditor to execute on behalf of the City the following rates and charges for use of water and water-related services during the fiscal year beginning July 1, 2023, and ending June 30, 2024.
- B. That this ordinance is binding City policy pursuant to Code Section 1.07.020.

1. BASE CHARGE

- A. A base charge per bill, calculated on the actual number of days in a billing cycle, shall be levied on water and/or sewer services connected directly to the City system. A base charge per meter shall be levied on sewer special submeters. A base charge shall be levied on drainage only accounts. The base charge shall be in addition to the volume or extra strength rates charged for water and sewer as follows:

Billed charges are as follows:

Quarterly (90 day) billed account is ~~\$63.46~~\$63.57 prorated for the actual number of days billed at ~~\$0.7054~~\$0.7063 per day.

Bi-monthly (60 day) billed account is ~~\$63.46~~\$63.57 prorated for the actual number of days billed at ~~\$1.0577~~\$1.0595 per day.

Monthly (30 day) billed account is ~~\$63.46~~\$63.57 prorated for the actual number of days billed at ~~\$2.1153~~\$2.1190 per day.

B. The base charge shall apply to any unused water service unless and until the property owner, or the party otherwise in possession or control of the property, requests that the service be removed at the main and pays for the removal. Base charges shall apply to any unused water service supplying water to another city, water district or water company unless the entity requests that the service be removed at the main and pays for the removal.

C. The Portland Water Bureau discount for low-income single-family residential accounts is as follows:

If an account has a water or sewer bill that is less than the discount, no credit or refund will be given.

Billed credits as follows:	Water/Sewer Account	Sewer Only Account
Quarterly billed Inside City account credit for 90 days	\$84.15 <u>\$84.30</u>	\$31.50 <u>\$31.55</u>
Bi-monthly billed Inside City account credit for 60 days	\$66.70 <u>\$66.80</u>	\$31.50 <u>\$31.55</u>
Monthly billed Inside City account credit for 30 days	\$49.20 <u>\$49.30</u>	\$31.50 <u>\$31.55</u>
Quarterly billed Outside City account credit for 90 days	Water/Sewer Account	Sewer Only Account
- Receiving water from supply conduits	\$41.80 <u>\$41.85</u>	\$31.50 <u>\$31.55</u>
- Receiving water from distribution system	\$73.50 <u>\$73.55</u>	\$31.50 <u>\$31.55</u>

The Portland Water Bureau discount for extremely low-income single-family residential accounts is as follows:

If an account has a water or sewer bill that is less than the discount, no credit or refund will be given.

Billed credits as follows:	Water/Sewer Account	Sewer Only Account
Quarterly billed Inside City account credit for 90 days	\$134.65 <u>\$134.90</u>	\$50.75 <u>\$50.85</u>
Bi-monthly billed Inside City account credit for 60 days	\$106.70 <u>\$106.90</u>	\$50.75 <u>\$50.85</u>
Monthly billed Inside City account credit for 30 days	\$78.70 <u>\$78.85</u>	\$50.75 <u>\$50.85</u>
Quarterly billed Outside City account credit for 90 days	Water/Sewer Account	Sewer Only Account
- Receiving water from supply conduits	\$66.85 <u>\$66.95</u>	\$50.75 <u>\$50.85</u>
- Receiving water from distribution system	\$117.65 <u>\$117.70</u>	\$50.75 <u>\$50.85</u>

The Portland Water Bureau discount for Regulated Affordable Multifamily Assistance Program (RAMP) qualified multifamily accounts is as follows:

The new RAMP discount program will have two discount tiers for each service type as explained below. The discount does not include irrigation, fire lines, extra strength, or clean to stormwater flow services. The percent discount will go on the bill for the property in the form of a discount on the water/sewer/stormwater utility bill.

<u>Service</u>	<u>Discount</u>
	<u>Water Service</u>
<u>RAMP – Tier A</u>	<u>20% of billed use</u>
<u>RAMP – Tier B</u>	<u>14% of billed use</u>

D. Fire protection services, and any services equipped with backflow prevention assemblies or detector check metering devices located in vaults owned by the City, shall be billed a daily charge based on the size of the service connection to the premises as follows:

Meter Size	Daily Charge
5/8" & 3/4"	\$2.3807 <u>\$2.3851</u>
1"	\$2.6089 <u>\$2.6137</u>
1¼" & 1½"	\$3.1800 <u>\$3.1859</u>
2"	\$4.4293 <u>\$4.4375</u>
3" & greater	\$6.0297 <u>\$6.0409</u>

2. COMMODITY RATE

For water used through metered services, the charge per 100 cubic feet shall be as follows:

A. Inside City Boundaries:

Retail rate; ~~\$6.993~~\$7.006

The Administrator of the Portland Water Bureau may invoke curtailment rates to address a serious water shortage. The Bureau will report to Council before establishing curtailment rates.

Receiving untreated water exclusively from the Columbia South Shore Well Field **\$0.84**

B. Outside City Services and Wholesale Distributors

GNR Water District	\$1.465
Green Valley Water Company	\$1.465
Hideaway Hills Water Company	\$1.465
Lorna Domestic Water LLC	\$1.465
Skyview Acres Water Company	\$1.465
Two Rivers Water Association	\$1.465
City of Gresham	\$0.981
Lusted Water District	\$1.457
Pleasant Home Water District	\$1.534
Rockwood Water PUD	\$0.986
Palatine Hill Water District	\$2.263
Burlington Water District	\$1.287
Lake Grove Water District	\$2.806
Valley View Water District	\$2.367
West Slope Water District	\$1.892
Tualatin Valley Water District	\$1.691
Raleigh Water District	\$1.390
City of Tualatin	\$1.544

City of Sandy	\$0.907
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- I. Other cities, water districts or water companies purchasing water for resale.
- II. Served directly by the City that are not other distributors.

Receiving water from supply conduits:

Residential and commercial rates are as follows; **\$1.344**

Receiving water from distribution system:

Residential and commercial rates are as follows; **\$4.938**

Formerly served by the Sylvan Water District; **\$4.938**

Pursuant to a dissolution agreement between the Sylvan Water District and the City of Portland, those current City customers who were served by Sylvan Water District at the time of the dissolution are charged this special Sylvan rate.

- III. The Administrator is authorized to sell water on an emergency basis to other governmental bodies under terms and conditions they deem appropriate. Water served on an emergency basis may be charged rates calculated in the following manner or charged at the discretion of the Administrator.
 - a. Short Duration Emergency Rates: rates for water purchases of a duration of two consecutive days or less shall be the sum of the highest rate of wholesale customers using similar functional asset groups set forth in subsection a.2(B)(1) plus a 20 percent administrative fee. Any incremental costs incurred by the City to provide the service will be added to the costs determined above.
 - b. Mid Duration Emergency Rates: rates for water purchases of a duration of three to seven consecutive days shall be the sum of the highest rate of wholesale customers using

similar functional asset groups set forth in subsection a.2(B)(1) plus a 15 percent administrative fee. Any incremental costs incurred by the City to provide the service will be added to the costs determined above.

- c. Long Duration Rates: for purchases of water for more than seven consecutive days or in unusual circumstances a special long-term rate will be negotiated.

“Emergency” means an unforeseen circumstance or combination of circumstances or the resulting state that calls for immediate action as determined in the discretion of the Administrator.

- C. Water will be furnished at Inside City Boundaries Commodity Rates to a continuous building having 50% or more of the area of the building located within the City boundaries. All other structures, buildings, shops, dwellings and/or sprinkling systems or parts thereof wholly outside the City Boundaries, shall be supplied by separate services and meters, and shall be charged the Outside City Boundaries Commodity Rate. The separate meters and services shall be furnished and installed at the expense of the owner of the premises. All connections covered under this section are required to be equipped with a minimum of a double-check valve assembly pursuant to Title 21.28.10 (B).

3. SERVICES NOT OTHERWISE SPECIFIED

- A. For performance of services for which a charge is not otherwise specified, charges shall be a Bureau estimate of the cost, calculated as provided in the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.
- B. Charges are calculated based upon cost-of-service principles and recover the cost of materials and services provided by the Bureau. Benefit, leave, and indirect rates annually calculated by the Bureau are utilized in these calculations.

4. HYDRANT AND UNMETERED WATER USAGE

For the use of fire hydrants, the charges shall be as follows:

A. Permit tag and usage charges for each device accessing hydrant:

- I. Annual hydrant permit for tank type vehicle use only; charge for unmeasured water usage for 2 vehicle permit tags (includes 50,000 cubic feet). All tanks must have an approved air gap and have a current water quality inspection certificate.

Permits purchased July 1, 2023 through June 30, 2024 will expire June 30, 2024. Permits purchased after July 1, 2023 may be discounted \$225 per month for previously expired full months of same fiscal year. Permit fee will not be pro-rated for partial months or for additional tags for more than 2 vehicles.

Charge for 2 vehicle permit tags; (includes 50,000 cubic feet water); ~~\$3,645~~**\$3,655**

Each additional vehicle permit tag (for tanks under 1,000 gallons); **\$670**

Each additional vehicle permit tag (for tanks over 1,000 gallons); ~~\$1,410~~**\$1,415**

- II. Temporary permit for metered water (not to exceed 90 days); **\$290**

This minimum charge includes 5,000 gallons or 700 cubic feet recorded by leased Portland Water Bureau meter.

Measured water usage above the minimum charge: each additional 100 cubic feet or part thereof shall be charged the commodity retail rate prescribed in subsection a.2(A) of this Ordinance;

- B. In addition, the costs of attendant(s) and equipment shall be charged for as provided in section a.3(B) of this Rate Ordinance and the City

Comprehensive Financial Management Policy including but not limited to Policy BCP-FIN 2.06.

C. The Portland Water Bureau will require a deposit for hydrant use permits and/or rented equipment. The deposit may be applied to the tag and usage charges and/or equipment lost or damaged and furnished by or rented from the Portland Water Bureau.

D. Daily rental rate for hydrant valve and/or wrench:

First three (3) days or part thereof; **\$9.15**
each additional day or part thereof; **\$3.05**

E. The Portland Water Bureau requires a city-owned meter to be installed. The rental rate for meters shall be as follows:

First three (3) days or part thereof; **\$9.15**
each additional day or part thereof; **\$3.05**

F. The Portland Water Bureau requires an approved backflow prevention assembly be installed. The rental rate for a 2" double check valve or reduced backflow assembly shall be as follows:

First three (3) days or part thereof; **\$9.15**
each additional day or part thereof; **\$3.05**

G. When the Administrator deems it prudent for what they consider extraordinary circumstances, the Administrator may adjust rates for using the hydrants.

H. Fire hydrant usage is limited to authorized hydrants and their locations. Improper use of fire hydrant or unmetered service, or use of authorized fire hydrant or unmetered service without a permit shall be charged as prescribed in subsection a.15.(A) of this Ordinance.

5. SERVICES FOR FIRE PROTECTION

A. Services used exclusively for fire protection shall be charged according to the size of the service entering the premises, plus additional costs

for meter or data logger communication services as determined by the Administrator.

B. Commodity Charges

- I. Water used for system testing registered on detector metered fire lines or estimated by the Administrator on unmetered fire lines shall be charged at the applicable commodity retail rate prescribed in Section 2 of this Ordinance.
- II. Unauthorized water use registered on detector metered fire lines or estimated by the Administrator on unmetered fire lines shall be charged at the applicable commodity retail rate prescribed in Section 2 of this Rate Ordinance.
- III. Unauthorized use of water from a fire line shall result in a charge of \$1,000 for the first billing cycle during which the use occurs. Any subsequent unauthorized use during a subsequent billing cycle within twelve months of the first such use shall be charged a minimum of \$1,000, provided that the Administrator may also impose up to an additional \$9,000 charge in their discretion after consideration of the circumstances of the use.
- IV. If unauthorized use of a fire line occurs four or more times within twelve months of the first such use (including the first use in the count), the Administrator may thereafter treat the fire line as a standard service subject to all applicable provisions of this Rate Ordinance and Title 21 of the City Code.
- V. The Administrator may require the installation on existing fire lines of additional or improved detector metering devices, including data loggers, pursuant to their authority to require such devices in Portland City Code 21.12.220, and may thereafter charge rates as allowed by Subsection 5(A) of this Rate Ordinance to recover the costs of meter or data logger communications. Failure to install the required devices on a schedule set by the Administrator is a violation for purposes of City Code 21.12.090.

6. **STANDBY SUPPLY CONNECTIONS**

Distributors (other cities, water districts or water companies purchasing water for resale) having a water supply other than that furnished by the City of Portland and desiring a standby supply from the City of Portland shall be charged on the basis of the contract specific to that distributor. The Administrator is authorized to execute such contracts. All standby connections are to be equipped with a minimum of a double-check valve assembly pursuant to City Code 21.28.010 (B).

7. **LATE PAYMENT AND OTHER CHARGES**

The following charges shall be made by the Portland Water Bureau and may be added to the sewer and water bill. General notice and information regarding the circumstances under which the Portland Water Bureau may access these charges shall be provided on customer bills.

A. Additional charges for late payment of bill:

- I. When the status becomes past due:
Reminder late fee; **\$5**
- II. When the bill goes to pre shut-off or urgent status:
Pre shut-off or Urgent late fee; **\$13**
- III. When a notice of pending shut off is delivered to a property.
Last chance late fee; **\$35**
- IV. When the bill goes to shut off authorization status:
Authorization to disconnect water for nonpayment late
fee; **\$115**

- B. After the water has been shut off for non-payment, the Bureau may continue to assess late charges against any subsequent unpaid bill. Further, the provision of City Code 21.16.040 pertaining to delinquent water bills, shall apply.

C. Additional charges for non-payment of bill or unauthorized water usage:

- I. Unauthorized usage & lock meter (in addition to the commodity rate charged for usage); **\$155**
- II. Plocking and removal of meter; **\$240**
- III. Crimp/freeze a service, minimum charge; **\$93**

Amounts above those specified in subsections (C)(1), (C)(2), and (C)(3) may be charged as provided for in section a.3(B) of this Rate Ordinance and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

- IV. Shutting off water at main, or reinstating service, or uncrimping/unfreezing a service; as provided in section a.3(B) of this Rate Ordinance and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.
- V. Returned payments; **\$35**

D. After the water has been shut off for non-payment, charge to restore water service after regular business hours:

Requests made between:

Monday – Friday 8:00 am to 5:00 pm **No Charge**

Monday – Friday 5:00 pm to 9:00 pm **\$200**

Monday – Thursday 9:00 pm to 8:00 am **\$250**

Friday after 9:00 pm/Weekends/Holidays **\$250**

E. All accounts that become past due and unpaid are subject to collection action, at the City's discretion, either through efforts of City staff or by a collection agency contracted by the City. Past due and unpaid account balances that become the subject of collection action may be charged any additional costs of collection incurred by the City. Costs to recover City staff collection efforts may be computed, and charges

assessed for such collection costs shall not exceed an amount computed, in the same manner as charges for services performed for outside parties in section a.3(B) of this Rate Ordinance, and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06. or as otherwise set by action of the Council.

- F. The following charge may be added to the bill when meter readers are required to use more than normal time to read meters due to locked doors, fences or other obstructions established or permitted and each time the meter reader is required to return to read the meter. **\$80**

G. Appeals:

Appeals to Administrative Review Committee (ARC), pursuant to ADM-14.02, City Administrative Policies and Rules; **No Charge**

Persons may appeal ARC decisions to the Code Hearings Officer (CHO) or make other appeals to the CHO as allowed by Code, with the cost determined by the Bureau Administrator or as otherwise set by action of the Council.

- H. Inactive accounts may be billed for charges related to account maintenance.

- I. A deposit may be required as a condition of service as provided for in City Code 21.16.090.

8. **SERVICE CHARGES**

The following charges shall be made by the Portland Water Bureau.

- A. Parties wishing to decrease the size of the meter from 2" to 1" in the Water Fee Schedule attached as Exhibit A and incorporated herein;

For decreasing any other size meter; as provided for in section a.3(B) of this Rate Ordinance and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

- B. Parties wishing to increase the size of a meter shall pay the following charges, in addition to System Development Charges (SDC) contained in Section 10 of this ordinance.

Meters from 5/8" to 3/4", with a 3/4" service branch in the Water Fee Schedule;

Meters from 5/8" to 1", and 3/4" to 1", with a 1" service branch in the Water Fee Schedule;

Meters from 1½" to 2" in the Water Fee Schedule;

Meters 2" and larger; as provided for in section a.3(B) of this Rate Ordinance and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

- C. For testing water meters at consumer or owner's request. (If the meter is reading in error, there is no charge for testing):

5/8", 3/4" or 1" meters; **\$225**

1½" or 2" meters; **\$385**

Larger than 2" meter; as provided for in section a.3(B) of this Rate Ordinance and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

- D. For inspection of new backflow assembly installations and testing of privately owned assemblies pursuant to City Code 21.12.320 in the Water Fee Schedule.

If repair is required; as provided for in section a.3(B) of this Rate Ordinance and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

- E. Fee for preparation and filing of all legal documents as part of the Water Bureau permitting process in the Water Fee Schedule.

- F. Fee for developer plan reviews in the Water Fee Schedule.
- G. For removing vehicles, material, debris, shrubbery, plantings or any other obstructions limiting or preventing clear access to meter when owner or occupant fails to maintain clear access; as provided for in section a.3(B) of this Rate Ordinance and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.
- H. For searching records to provide information to respond to requests for historical data or records, the City may charge for the time expended, as provided for in the City Code and City policies. There may also be charges for duplication of records. A written request and/or deposit may be required.
- I. Special services requested by the consumer, owner or other person may be charged for as provided for in section a.3(B) of this Rate Ordinance and in the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06. A written request and/or deposit may be required.
- J. Application fee for Cell Site lease, to be assessed only if the cell site lease application is approved. **\$1,815**

9. CARRYING CHARGES

- A. Water, sanitary sewer and stormwater bills issued by the City that become past due are subject to a carrying charge at a rate of 12% per year (1.0% per month simple interest) on the unpaid balance. Carrying charges may be added to extended payment plans.
- B. Outstanding Portland Water Bureau receivables unrelated to water, sanitary sewer and stormwater utility bills shall be subject to a carrying charge at a rate of 12% per year (1.0% per month simple interest) on delinquencies greater than 28 days from date of invoice.

10. SYSTEM DEVELOPMENT CHARGES

- A. System Development Charge (SDC) will be levied for each new water meter, meter equivalent, and on increases in the size of existing meters connecting to the City water system inside the City boundaries. If a meter is being upsized, the applicant will pay the difference of the SDC fees between the two meter sizes. If a meter is being downsized, the applicant will not receive an SDC credit. The charge will be according to the size of the meter and payable at the time of application for service as in the Water Fee Schedule.
- B. This SDC is in accordance with ORS 223.297-316. The SDC is a reimbursement fee based on the estimated replacement cost of existing water facilities, less depreciation. The SDC nets out contributed capital and outstanding bond principal, while adding the value of construction in progress, to arrive at a cost basis. The current equivalent meters are combined with the cost basis to arrive at a cost per equivalent dwelling unit. The methodology is available for public inspection.
- C. When water from a Portland Water Bureau main is not available to a customer's location within Portland City limits and it is determined by the Administrator or Chief Engineer of the Portland Water Bureau that the customer may best be served by an outside jurisdiction, the Portland Water Bureau may collect from the customer fees and charges as established by the outside jurisdiction (including SDC and installation charges) and may pass on to that jurisdiction the money collected to cover its charges.
- D. New water service connections solely for temporary (1 year or less) construction or fire protection purposes or temporary (2 years or less) irrigation services as described in City Code 21.12.090 shall be exempt from payment of the SDC.
- E. The conversion of an existing fire line to a service for use other than fire protection, or the continued use of a fire line for other than fire protection, or the continued use of a temporary service shall require the payment of the SDC as provided for in subsection a.10(A) of this Rate Ordinance.

- F. When installing separate meters on a header service in accordance with City Code 21.12.070.A.3-4 and 21.12.070.B, the assessed SDC will be consistent with the SDC for the single meter size or meter equivalent that would have been required for a shared meter.

- G. If a service has been removed prior to reconnection or establishing a new connection, the person desiring a new connection within the same tax lot shall pay a SDC only on the difference in charges between the size of the previous connection and the new connection being requested. If the service was permanently removed more than 36 months prior to a new service application, the applicant must provide proof of payment of either the original SDC or existence of the original service in order to receive the SDC credit. SDC credits do not apply for downsizing a meter.

- H. Qualified Affordable Housing shall be exempt from the Water Bureau's SDC:
 - I. For a single family residential, the SDC exemption shall not exceed the value of a 3/4" water meter SDC.

 - II. Affordable Housing exemptions will not exempt any commercial SDCs associated with the development. Commercial spaces will pay the full SDC share based on each commercial space's estimated water usage as determined by the Administrator.

 - III. Any applicant seeking an exemption shall specifically request this exemption prior to the time of the City's issuance of the first occupancy permit on the new development.

- I. For new parcels created from existing lots that contain existing housing with an existing water service where an SDC was previously paid, property owners may apply to transfer the SDC credit from the existing service to a new service for the existing housing so long as the new parcel is used for Qualified Affordable Housing and qualifies for SDC exemption defined in section a.10(H) of this Rate Ordinance. For a single family residential, the SDC waiver shall not exceed the value of a 3/4" water service SDC.

Nonetheless, the SDC fee must be paid at the time of building permit issuance. The applicant is responsible for providing documentation from the Portland Housing Bureau, confirming the house was sold to a qualified buyer. Once confirmed, the Water Bureau will refund the SDC paid, not to exceed the value of a 3/4" meter SDC.

- J. For new or upsized water service installations, property owners may apply to defer the payment of SDCs or pay the SDCs in installments pursuant to City Code 17.14. The terms and provisions for deferred payment and installment payments are contained in the Water Bureau's SDC loan and deferral contracts.
- K. Qualified Accessory Dwelling Units (ADUs) will be waived from the required Water Bureau's SDC. The SDC waiver shall not exceed the value of a 3/4" water service SDC.

11. CHARGES FOR INSTALLATIONS, ACTIVATIONS, AND PERMANENTLY REMOVING SERVICES

Notwithstanding the provisions of City Code 21.16.160, and except as provided in subsection (B) below, the charges for installations, activations, and removing services shall be as follows:

- A. For service installations, activations, and removals for which a charge is specified in the Water Fee Schedule.
- B. For installation, activation, and removal of services installed in conformance with City Code 21.12.070, the relevant charge is specified in the Water Fee Schedule, and is determined as follows:
 - I. The charge for installation of the header service will be equivalent to the cost of the size of the service and meter otherwise required to support the shared meter equivalent.
 - II. Activation or disconnect of any single meter within the header service will be equivalent to the cost for the same size meter.
 - III. Activation or removal of the header service shall be equivalent to the cost of the size of the shared service and meter otherwise

required to support all of the services.

C. The charges contained in the Water Fee Schedule for installations, activations, and removing services shall not apply to the following service installations. For the following service installations, charges shall be calculated as provided for in section a.3(B) of this Rate Ordinance and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

I. Services not listed in the Water Fee Schedule;

II. Services installed within Downtown Sub-district (defined in City Code 33), in newly paved streets under 5-year moratorium, in State or County roadways, Highway/Freeway, Local Highway, Arterial/Collector street, services the installation of which is affected by rail facilities and/or streets with cobblestone/alternative paving, or in a high seismic risk area requiring specialized design;

III. Services installed under circumstances determined at the sole discretion of the Chief Engineer to be sufficiently different from the circumstances assumed in creation of the Water Fee Schedule that the actual cost of installation is likely to differ substantially from the charges contained in the Water Fee Schedule.

12. CHARGES FOR INSTALLING OR REMOVING A FIRE HYDRANT

Except as provided in Subsection (B) below and subject to cost sharing and cost adjustments made available pursuant to Portland Administrative Rules, the following charges shall apply:

A. For Fire Hydrant installations or removal for which a charge is specified in the Water Fee Schedule.

B. The charges in subsection (A) above shall not apply for the following fire hydrant installations. Charges in the following fire hydrant installations shall be calculated as provided for in section a.3(B) of this Rate Ordinance and the City Comprehensive Financial Management

Policy, including but not limited to Policy BCP-FIN 2.06.

- I. Any fire hydrant installed in State or County roadways, hydrants the installation of which is affected by Street Car or Light Rail or railroad facilities,
 - II. Any fire hydrant installed under circumstances determined at the sole discretion of the Chief Engineer making it likely that the actual cost of installation will differ substantially from the charge specified in this Rate Ordinance.
- C. Adjustment of a fire hydrant shall be calculated as provided for in section a.3(B) and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

13. CHARGES FOR INSTALLING MAINS

Notwithstanding City Code 21.08.010, except as provided in subsection (B) below and subject to cost adjustments pursuant to Portland City Code 21.08.020, 21.08.060, and 21.08.070 the charges for installing mains shall be as follows:

- A. For all main installations for which a charge is specified in the Water Fee Schedule
- B. The charges contained in the Water Fee Schedule shall not apply to the following mains. For the following mains, charges shall be calculated as provided for in section a.3(B), City Code 21.08.010, and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.
 - I. Charges for mains not specified in the Water Fee Schedule;
 - II. Mains installed for other governmental agencies, within the Downtown Sub-district (defined in City Code 33), in newly paved streets under 5-year moratorium, in State or County roadways, Highway/Freeway, Local Highway, Arterial/Collector street, mains that cross or are in streets affected by rail facilities and/or streets with cobblestone/alternative paving, or in a high seismic

risk area requiring specialized design and materials;

- III. Mains installed where the Chief Engineer's sole discretion determines that the circumstances are sufficiently different from the circumstances assumed in creation of the Water Fee Schedule that actual cost of installation is likely to differ substantially the charges contained in the Water Fee Schedule.

14. COST SHARING WATER MAINS AND HYDRANTS UNDER CITY CODE

21.08.020

- A. For purposes of cost-sharing permitted by City Code 21.08.020, and notwithstanding any administrative rules previously adopted by the Administrator, an applicant shall be responsible for 60% of the cost of a project whose total cost does not exceed \$200,000 requiring a new main/main extension, a main insufficiently sized based on Portland Water Bureau standard sizing, and new hydrants; relocated or adjusted hydrants will not receive a share of the cost. The Portland Water Bureau is responsible for the remaining 40% except on streets where cost sharing does not apply as written in 21.080.020.C.
- B. Notwithstanding this provision, the Administrator of the Portland Water Bureau retains the authority under 21.08.020 to establish cost sharing distributions through administrative rule and may update these Council established cost share distributions by rule.

15. PENALTIES

- A. A person found liable for violation of City Code 21.24.050 shall be subject to a penalty of up to \$10,000 plus reimbursement to the City of the cost of repairs, calculated as provided in section a.3(B) of this Rate Ordinance and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

16. ADJUSTMENTS

- A. When collecting fees and charges, the Administrator of the Portland Water Bureau may make adjustments, pay refunds, authorize or waive fees and charges when it is in the best business interest of the City. A

full explanation of these changes must be filed with the office records.

Credit balances on a final billed account of \$20.00 or less will not be refunded unless approved by the Administrator of the Portland Water Bureau or designee.

The water rates and charges fixed by this Ordinance shall be in force and effect from and after July 1, 2023 and any and all Water Rate Ordinances now in effect conflicting in any manner with the provisions of this Ordinance, are hereby repealed on and after July 1, 2024.