

ADM-14.07 - Rates and Charges for Water and Water-Related Services

RATES AND CHARGES FOR WATER AND WATER-RELATED SERVICES

Binding City Policy

BCP-ADM-14.07

PURPOSE

Section 1. The Council finds:

(A) 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, 2009.

(B) This Ordinance has been approved by the Office of the City Attorney.

POLICY

NOW, THEREFORE, The Council directs:

a. That the Mayor and Auditor are authorized 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, 2009 and ending June 30, 2010.

b. This Ordinance is binding City policy per 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 **\$22.13** prorated for the actual number of days billed at **\$0.2459** per day.

Bi-monthly (60 day) billed account is **\$22.13** prorated for the actual number of days billed at **\$0.3688** per day.

Monthly (30 day) billed account is **\$22.13** prorated for the actual number of days billed at **\$0.7377** per day.

(B) The base charge shall apply to any unused water service when the property owner, another city, water district or water company desires the service be retained for future use. Service may be disconnected from the main if the charge is not paid within sixty (60) days of billing. The Administrator of the Portland Water Bureau may direct a waiver of the charge because of a special need to retain the service when the public health or welfare or the convenience of the Bureau is served.

(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: | <u>Water/Sewer Account</u> | <u>Sewer Only Account</u> |
|--|----------------------------|---------------------------|
| Quarterly billed account credit for 90 days | \$29.35 | \$11.05 |
| Bi-monthly billed account credit for 60 days | \$23.25 | \$11.05 |
| Monthly billed account credit for 30 days | \$17.15 | \$11.05 |

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

| <u>Meter Size</u> | <u>Daily Charge</u> |
|-------------------|---------------------|
| 5/8" & 3/4" | \$0.8304 |
| 1" | \$0.9101 |
| 1 1/4" & 1 1/2" | \$1.1093 |
| 2" | \$1.5453 |
| 3" & greater | \$2.1035 |

(E) 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 \$10.00 or less will not be refunded unless authorized by the Administrator of the Portland Water Bureau or designee.

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: **\$2.44**

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 Sough Shore Well Field: **\$0.48**

(B) Outside City Services and Wholesale Distributors

(1) Other cities, water districts or water companies purchasing water for resale.

| | |
|------------------------------|----------------|
| GNR Water Company | \$0.560 |
| Green Valley Water Company | \$0.560 |
| Hideaway Hills Water Company | \$0.560 |
| Lorna Water Company | \$0.560 |
| Skyview Acres Water Company | \$0.560 |
| Two Rivers Water Association | \$0.560 |

| | |
|--------------------------------|----------------|
| City of Gresham | \$0.574 |
| Lusted Water District | \$0.950 |
| Pleasant Home Water District | \$0.949 |
| Rockwood Water PUD | \$0.526 |
| Palatine Hill Water District | \$1.593 |
| Burlington Water District | \$0.836 |
| Lake Grove Water District | \$1.004 |
| City of Tigard | \$1.215 |
| Valley View | \$1.552 |
| West Slope Water District | \$1.353 |
| Tualatin Valley Water District | \$1.057 |
| Raleigh Water District | \$0.795 |
| City of Tualatin | \$0.895 |

(2) Served directly by the City that are not other distributors.

Receiving water from supply conduits:

Residential and commercial rates are as follows; **\$0.683**

Receiving water from distribution system:

Residential and commercial rates are as follows; **\$2.737**

Formerly served by the Sylvan Water District; **\$2.353**

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.

(3) Water served to non-contract purveyors on an emergency basis may be charged rates calculated in the following manner or charged at the discretion of the Administrator of the Portland Water Bureau.

(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.

(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.

3. SERVICES NOT OTHERWISE SPECIFIED

(A) For performance of services for which a charge is not otherwise specified, charges shall be actual cost of service, calculated as provided in City Code 5.48 and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

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:

(1) Annual hydrant permit for tank type vehicle use only; charge for calendar year; charge for unmeasured water usage for 2 vehicle permit tags (includes 60,000 cubic feet). Permits purchased after January 31st may be discounted \$50.00 per month for previously expired full months of same calendar year. Permit fee will not be pro-rated for partial months or for additional tags for more than 2 vehicles.

(all permits expire December 31, each year)

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|---|-------------------|
| Charge for 2 vehicle permit tags (includes 60,000 cubic feet water); | \$1,665.00 |
|---|-------------------|

| | |
|-------------------------------------|-----------------|
| Each additional vehicle permit tag; | \$115.00 |
|-------------------------------------|-----------------|

| | |
|---|-----------------|
| (2) Temporary permit for metered water (not to exceed 90 days); | \$240.00 |
|---|-----------------|

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; | \$2.44 |
|---|---------------|

(B) In addition, the costs of attendant(s) and equipment shall be charged for as provided in City Code 5.48 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:

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|---------------------------------------|---------------|
| First three (3) days or part thereof; | \$9.75 |
|---------------------------------------|---------------|

| | |
|--------------------------------------|---------------|
| each additional day or part thereof; | \$3.25 |
|--------------------------------------|---------------|

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

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|---------------------------------------|---------------|
| First three (3) days or part thereof; | \$9.75 |
| each additional day or part thereof; | \$3.25 |

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

| | |
|---------------------------------------|---------------|
| First three (3) days or part thereof; | \$9.75 |
| each additional day or part thereof; | \$3.25 |

(G) When there are extraordinary circumstances, the Administrator of the Portland Water Bureau may adjust rates for using the hydrants.

(H) Improper use of fire hydrant or unmetered service, or use of fire hydrant or unmetered service without a permit shall be charged as prescribed in subsection a.16.(A).

5. SERVICES FOR FIRE PROTECTION

(A) Services used exclusively for fire protection shall be charged according to the size of the pipeline entering the property.

(B) COMMODITY CHARGES

(1) Water registered on detector check metered firelines, or estimated on unmetered firelines, and used for testing, shall be charged at the commodity retail rate prescribed in subsection a.2.(A) of this Ordinance.

(2) Water used as a result of leaks on firelines and/or unauthorized use of fire protection services shall be charged at three (3) times the commodity rate prescribed in subsection a.2.(A) of this Ordinance from the time of notification, if repairs have not been completed within sixty (60) days after notification of such leak by the Portland Water Bureau. If fireline leakage and/or unauthorized use of fire protection services has not been controlled after one hundred eighty (180) days, water used shall be charged for at ten (10) times the commodity rate prescribed in subsection a.2.(A) of this Ordinance from the time of notification, and the fireline service will be regarded as a domestic service and subject to the provisions of subsection a.5.(B)(3) of this Ordinance.

(3) Unauthorized use of fire protection services may require installation of a full flow meter, an approved backflow assembly commensurate with the degree of hazard, conversion to a domestic service and payment of a System Development Charge as prescribed in subsection a.11.(E) of this Ordinance.

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.

7. PAY STATIONS

Pay stations authorized by City Code Section 21.16.110 shall be compensated at the rate of **\$0.35** for each bill collected.

8. LATE PAYMENT CHARGES

The following collection charges shall be made by the Portland Water Bureau and may be added to the sewer and water bill.

(A) Additional charges for late payment of bill:

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|---|---------------|
| (1) When the status becomes past due: Reminder notice; | \$5.00 |
|---|---------------|

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| (2) When the bill goes to pre shut-off or urgent status: Pre shut-off or Urgent notice; | \$10.00 |
|--|----------------|

Notice of these charges shall be made on a previous bill.

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|--|----------------|
| (3) When a notice of pending shut off is delivered to a property. Last chance notice; | \$15.00 |
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| (4) When the bill goes to shut off authorization status: Authorization to disconnect water for nonpayment; | \$60.00 |
|---|----------------|

(B) After the water has been shut off for non-payment, the provision of Section 21.16.040 of the City Code pertaining to delinquent water bills, shall apply.

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

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|---|----------------|
| (1) Unauthorized usage (in additional to commodity rate charged for usage); | \$50.00 |
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| (2) Removal or replacement of meter or removal of spacer or standpipe; | \$140.00 |
|--|-----------------|

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|--|-----------------|
| (3) Crimp/freeze <u>or</u> uncrimp/unfreeze a service, minimum charge; | \$595.00 |
|--|-----------------|

Charges above those specified in subsections (C)(1), (C)(2), and (C)(3) above; as provided for in City Code 5.48 and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

(4) Shutting off water at main or reinstating service; as provided in City Code 5.48 and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

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| (5) Returned payments; | \$35.00 |
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(D) After the water has been shut off for non-payment, charge to restore water service after regular business hours:

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|-------------------------------|------------------|------------------|
| <u>Requests made between:</u> | | |
| Monday – Friday | 8:00am to 5:00pm | No Charge |
| Monday – Friday | 5:00pm to 9:00pm | \$100.00 |
| Monday – Thursday | 9:00pm to 8:00am | \$200.00 |

Friday after 9:00pm/Weekends/Holidays

\$200.00

(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 City Code 5.48 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) Where meter readers are required to use more than normal time to read meters due to locked doors, fences or other obstructions established or permitted, the additional time may be added to the bill as a special charge. Additional charges shall be made for each subsequent time the meter reader is required to return to read the meter; **\$65.00**

(G) Inactive accounts may be billed for charges related to account maintenance.

(H) A deposit may be required as a condition of service as provided for in Section 21.16.090 of the City Code.

9. SERVICE CHARGES

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

(A) For decreasing the size of the meter; as provided for in City Code 5.48 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) as provided for in subsection a.11.(A).

Meters from 5/8" to 3/4", with a 3/4" service branch; **\$110.00**

Meters from 5/8" to 1", and 3/4" to 1", with a 1" service branch; **\$365.00**

Meters larger than 1"; as provided for in City Code 5.48 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; **\$120.00**

1½" or 2" meters; **\$155.00**

Larger than 2" meter; as provided for in City Code 5.48 and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

(D) For inspection and testing backflow prevention devices pursuant to Section 21.12.320 of the City Code:

For initial inspection of new installations;

For initial inspection of new installations; **\$505.00**

For annual testing of privately owned devices for compliance with Oregon Department of Human Services Rules; **\$150.00**

If repair is required; as provided for in City Code 5.48 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; **\$715.00**

(F) Fee for developer plan reviews;

Backflow prevention review **\$160.00**

Commercial building **110.00**

Final plat review/Final development plan review (all types) **35.00**

Land use review **110.00**

Pre-application **140.00**

Row housing **55.00**

Single family housing **55.00**

Street opening permit **55.00**

(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 City Code 5.48 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 City Code 5.48 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. **\$1,000.00**

10. 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.

11. SYSTEM DEVELOPMENT CHARGES

(A) A System Development Charge (SDC) will be levied for each new water meter (and on increases in the size of old meters) connecting to the City water system inside the City boundaries. The charge

will be according to the size of the meter and will be payable at the time of application for service as follows:

| <u>Meter Size</u> | <u>Charge</u> |
|-------------------|----------------|
| 5/8" | \$1,793 |
| 3/4" | 2,690 |
| 1" | 4,483 |
| 1½" | 8,966 |
| 2" | 14,346 |
| 3" | 26,899 |
| 4" | 44,832 |
| 6" | 89,664 |
| 8" | 143,462 |
| 10" | 257,873 |

(B) This SDC is in accordance with ORS 223.297-314. 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 onto 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 fireline to a service for use other than fire protection, or the continued use of a fireline 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.11.(A).

(F) In the event a service has been removed prior to reconnection or establishing a new connection, the person desiring a new connection 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 removed more than 36 months prior to reconnection the applicant must provide proof of payment of the original SDC or proof of the existence of the original service. No SDC or credit for a previously paid SDC will apply when a smaller connection is requested.

(G) Affordable Housing which meets the following requirements shall be exempt from the Water SDC:

(1) If rental housing, the units receiving an exemption shall be affordable to households earning 60% or less of Area Median Family Income at time of occupancy and shall be leased, rented or made available for 60 years to persons or households whose incomes are 60% or less of Area Median Family Income, as adjusted by unit size and as determined by the U.S. Department of Housing and Urban Development for the Portland Metropolitan Area. If only a percentage of the

total units qualify as exempt, the exemption will only apply to that percentage.

(2) If owner occupied housing, the units receiving an exemption shall be affordable to households earning at or below 100% of Area Median Family Income, first time homebuyers, and shall be sold to persons or households whose incomes are at or below 100% of Area Median Family Income, as adjusted by family size and as determined by the U.S. Department of Housing and Urban Development for the Portland Metropolitan Area.

(3) PDC may require that real property covenants be recorded in the deed records for properties receiving exemptions under this Section in order to ensure compliance, or to provide remedies for failure to restrict units, or both.

(4) Pursuant to City Code 30.01.040, the Bureau of Housing and Community Development and the PDC are responsible for determining affordability criteria and approving exemptions for housing developments that meet the income requirements specified in subsection a.11.(G)(1) or (2) and for enforcing the 60 year affordability requirement for rental housing developments. In the event a qualifying rental housing development fails to maintain qualifying rents and/or occupancy requirements or a qualifying ownership project fails to comply with applicable recapture or retention covenants, the exemption shall terminate for that development and the Water SDC, calculated using the rates in effect at the time PDC finds the exemption has been lost, shall be due and owing. If the exemption terminates within two years of initial building permit issuance, additional charges will be due and owing. These charges include a processing fee of \$120.00 and carrying charges of 12% per year (1% per month), added to the SDC rates in effect at the time, charged back to the date the exemption was granted.

(5) For a single family residential, SDC exemption shall not exceed the value of a 5/8" water service SDC.

(6) Affordable Housing exemptions will not exempt any commercial SDCs associated with the development. Commercial spaces will either be separately metered or pay the full SDC share based on each commercial space's estimated water usage as determined by the Portland Water Bureau Administrator.

(7) Any applicant seeking an exemption shall specifically request this exemption no later than the time of the City's issuance of the first occupancy permit on the new development.

(H) Any newly permitted and constructed ADU conforming to the Title 33 definition of an ADU will receive a waiver of the SDC fees until June 30, 2013. The waiver will apply to all complete building permit submittals for ADU's between April 15, 2010 and June 30, 2013, provided that the new ADU receiving a waiver obtains an occupancy permit no later than June 30, 2014.

12. CHARGES FOR INSTALLING AND PERMANENTLY REMOVING SERVICES

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

(A) For service installations, activations, and removals for which a charge is specified in the Portland Water Bureau's "Water Fee Schedule" approved on May 15, 2009 by the Chief Engineer the charges so specified. The "Water Fee Schedule" is attached as [Exhibit A](#) and incorporated herein.

(B) The charges contained in the Water Fee Schedule for installing, activating, and removing Services shall not apply to the following service installations. For the following installations, charges shall be calculated as provided for in City Code 5.48 and the City Comprehensive Financial Management Policy, including BCP FIN 2.06.

(1) Services not listed in the Fee Schedule;

(2) Services installed in State or County roadways, in newly paved streets under 5 year moratorium, services the installation of which is affected by Street Car or Light Rail or railroad facilities;

(3) Services installed under circumstances determined by 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 exceed substantially the charges contained in the Fee Schedule.

[Link to Exhibit A - Water Fee Schedule for Services and Mains](#) (PDF Document, 612 kb)

13. CHARGES FOR INSTALLING A FIRE HYDRANT

(A) Except as provided in Subsection (A)(2) below and subject to cost sharing and cost adjustments made available pursuant to Portland Administrative Rules, the following charges shall apply:

(1) Installation of stand alone fire hydrant **\$12,740.00**

(2) The charge in subsection (A)(1) above shall not apply for the following hydrant installations. Charges in the following installations shall be calculated as provided for in City Code 5.48 and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

(a) Any hydrant installed in State or County roadways, in newly paved streets under 5 year moratorium, hydrants the installation of which is affected by Street Car or Light Rail or railroad facilities,

(b) Any hydrant installed under circumstances determined by the Chief Engineer making it likely that the actual cost of installation will exceed substantially the charge specified in this Rate Ordinance.

(B) Removal or adjustment of a fire hydrant shall be calculated as provided for in City Code 5.48 and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

14. CHARGES FOR INSTALLING MAINS

Notwithstanding City Code 21.08.010(C), except as provided in subsection (B) below, and subject to cost adjustments pursuant to Portland City Code 21.08.020, 21.08.030, and 21.08.060 the charges for installing mains shall be as follows:

(A) For all main installations for which a charge is specified in the Portland Water Bureau's "Water Fee Schedule," approved on May 15, 2009 by the Chief Engineer, the charges so specified. A copy of the "Water Fee Schedule" is attached as Exhibit A and incorporated herein.

(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 City Code 5.48, City Code 21.08.010, and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

(1) Charges for mains not specified in the Water Fee Schedule;

(2) Any single project with more than one size of main installation;

(3) Mains installed for other governmental agencies, within the Central or Lloyd Business Districts (as defined in City Code 6.06.190 and 6.06.250), 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 Road, Street Car or Light Rail facilities (as identified or defined in the City of Portland CGIS system street classifications);

(4) Mains installed where the Chief Engineer 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 exceed substantially the charges contained in the Fee Schedule.

15. COST SHARING 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 \$125,000 and the Portland Water Bureau shall be responsible for 40% of the cost, not to exceed \$4,000 for a fire hydrant installation. In circumstances where it is deemed in the public interest to adjust the cost distribution for an individual project, the cost distribution may be adjusted in accordance with the criteria found in City Code 21.08.020 with the written approval of the Chief Engineer, the Administrator, and the Commissioner in Charge.

(B) Notwithstanding this provision, the Administrator of the Portland Water Bureau retains his authority under 21.08.020 to establish cost sharing distributions through administrative rule and may update these Council established cost share distribution by rule.

16. PENALTIES

(A) A person found liable for violation of Portland City Code 21.24.050 shall be subject to a penalty of up to \$5,000 plus reimbursement to the City of the cost of repairs, calculated as provided in City Code 5.48 and the City Comprehensive Financial Management Policy, including but not limited to Policy BCP-FIN 2.06.

The water rates and charges fixed by this Ordinance shall be in force and effect from and after July 1, 2009 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, 2009.

HISTORY

Ordinance No. 180192, passed by City Council May 31, 2006 and effective July 1, 2006.

Amended by Ordinance No. 181008, passed by City Council May 31, 2007 and effective July 1, 2007.

Amended by Ordinance No. 181840, passed by City Council May 21, 2008 and effective July 1, 2008.

Amended by Ordinance No. 182843, passed by City Council May 27, 2009 and effective July 1, 2009.

Amended by Emergency Ordinance No. 183688, passed by City Council and effective April 14, 2010.