Exhibit A

TITLE 21 – WATER

(Title added by Ordinance No. xxxxxx, effective Month Day, 2020.)

As of October 2, 2020

CHAPTER 21.04 – DEFINITIONS

Sections:

21.04.010 Definitions.

21.04.010 Definitions.

The following definitions apply to the entirety of Title 21. Additional Section-specific definitions may be found in other Sections.

A. **"Administrator"** means the person in charge of the Portland Water Bureau, or the person the Administrator appoints as their designee. Also called Director.

B. **"Annual Rates Ordinance"** means the legislation approved by Portland City Council that establishes rates and charges for use of water and water-related services during each City fiscal year.

C. **"Appeal"** means a request for an exception to a Portland Water Bureau standard, specification, requirement or assessment.

D. **"Applicant**" means the person or group applying for water or water-related services. This may also be a private property owner, an owner representative of the property owner, or a tenant. Once the application is accepted, this customer may also be known as a "ratepayer."

E. **"Backflow Assembly Installation Requirements"** means standards for backflow prevention assemblies and their installation. The Portland Water Bureau developed these standards to be consistent with State of Oregon administrative rules.

F. **"Backflow Prevention Assembly"** means a valve that prevents water from flowing opposite of the normal direction of the flow. Backflow prevention assemblies may prevent premises water from flowing back into the City's water system (this is called premises isolation) or prevent water flowing backward through premises piping (this is called point-of-use isolation).

G. **"Backflow Protection"** means the methods by which the Portland Water Bureau protects the public water system from backflow as established by Oregon Health Authority Cross-Connection Control Requirements and this Title.

H. **"Base Charge"** means a charge for all services connected to the City water system. This per-day charge is published in the Annual Rates Ordinance.

I. **"Billing Period"** means the time between two meter reading dates.

J. **"Chief Engineer"** means a licensed professional civil engineer in charge of the Portland Water Bureau's engineering staff. The Chief Engineer, or the person the Chief Engineer appoints as their designee, establishes, maintains and enforces engineering and technical standards used for planning, design, construction, operations, safety, maintenance and protection of the City's public drinking water

system, related infrastructure and assets. The Chief Engineer is the individual designated to act as the official agent of the Portland Water Bureau to make decisions that directly impact the quality or quantity of drinking water. The Chief Engineer has overall responsibility for engineering at the Portland Water Bureau.

K. **"Commissioner-in-Charge"** means the Portland City Council member who supervises and controls the Portland Water Bureau's work and the City property assigned to it.

L. **"Curtailment"** means the intentional reduction in potable water usage by customers below normal consumption levels for a specified period of time.

M. **"Developer"** means the initiator of a proposal to construct a water main extension or modification on private property that will connect to the public water system. The development work may include work in a subdivision, multifamily lot or redevelopment of a single family lot into multiple units, commercial or other development.

N. **"Emergency"** means an unforeseen circumstance or combination of circumstances or the resulting state that calls for immediate action as determined at the discretion of the Administrator.

O. **"Engineering and Technical Standards**" means the standards used for planning, design, construction, operation, maintenance and protection of the water system.

P. **"Fire Hydrant"** means a connection point by which firefighters and Portland Water Bureau staff may tap into a water supply. Also called hydrants.

Q. **"Front Lot Line"** means a lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner may choose which lot line is to be the front. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.

R. **"Header Pipe"** means a large pipe that has one tap on the main in the right-of-way and has more than one small pipe or service connected to it.

S. **"Main"** means pipe that bring water to service connections and hydrants. Distribution main may be underneath streets, public rights-of-way, private rights-of-way or easements.

T. **"Master Meter"** means a meter that records the total water use of more than one unit.

U. **"Meter"** means a device that records water use.

V. **"Oregon Administrative Rules (OAR)**" means the State of Oregon Administrative Rules as amended.

W. **"Oregon Health Authority (OHA)**" means the state agency responsible for governing the operations of public water systems in the State of Oregon.

X. **"Oregon Revised Statutes (ORS)"** means the codified laws of the State of Oregon.

Y. **"Person"** means any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust or organization, or the manager, lessee, agent, servant, entity, officer or employee of any of the previously mentioned items.

Z. **"Point of Delivery (POD)"** means the connection between a public water system and the private property owner's water system. On the private property side of the connection, the Oregon Plumbing Specialty Code applies. Refer to OAR 333-0061-0020.

AA. **"Portland Water Bureau"** means the organization charged with the responsibility for the finance, operation, maintenance and improvement of the City's water distribution system.

BB. **"Potable Water"** means safe drinking water. Refer to OAR 333-061-0020.

CC. **"Premises"** means a piece of land and the buildings on it.

DD. **"Private Property Owner"** means a person who is a legal holder of property according to the appropriate county's assessment and taxation records. Also identified as applicant or ratepayer depending on role in Title 21.

EE. **"Project"** means a series of tasks completed by the City that need to be completed in order to reach a specific outcome.

FF. **"Public Improvement"** means an improvement performed or financed by a local, state or federal entity of, on, over or under property owned or controlled by the City, or premises to be controlled by the City upon plat and easement recording for approved land premises division by construction, reconstruction, remodeling, repair or replacement, when no property is intended to be charged through assessment any portion of the improvement cost.

GG. **"Public Utility"** means a person possessing a current franchise or privilege granted by the City of Portland to provide utility service, or a City bureau charged with providing utility service, to the public to generate, transmit or provide any such service within the City, including, but not limited to, electricity, telecommunications, natural gas, sewer, water, stormwater, cable or pipeline services.

HH. **"Ratepayer"** means the person or group responsible for paying for City water, stormwater or sewer service charges and fees that are fixed by the Annual Rates Ordinance, which is approved by Portland City Council. This may also be an

applicant, private property owner, an owner representative of the property owner, developer, or a tenant depending on their role in Title 21.

II. **"Rate"** means water, stormwater or sewer service charges and fees that are fixed by the Annual Rates Ordinance, which is approved by Portland City Council.

JJ. **"Right-of-Way (R/W)"** means the area between property lines of a street, easement, tract or other area dedicated to the movement of vehicles, pedestrians or goods; dedicated or deeded to the public for public use and under the control of a public agency; or a private right-of-way in private ownership, for use by the property owner and those having express or implied permission by the property owner, but not by others.

KK. **"Service"** means the connection by means of which water is conveyed from a main of a public water system to a premise or to a Point of Delivery.

LL. **"Service – Branch"** means a service from the water main to a future meter location.

MM. **"Service – Combination**" means a service for both fire and domestic (standard) use.

NN. **"Service – Curb**" means a domestic (standard) service where the Portland Water Bureau has removed the meter but has not yet disconnected the service from the main. The service is still full of water.

OO. **"Service – Defective"** means a service which is no longer compliant.

PP. **"Service – Domestic (also known as Standard)"** means an active service with a meter installed, provided for human consumption.

QQ. **"Service – Fire"** means a service for premises fire suppression only (also identified as fire service).

RR. **"Service – Header"** means two or more metered services tapped off a single service pipe.

SS. **"Service – Irrigation"** means a service for landscape irrigation only.

TT. **"Service – Temporary"** means a service intended for short-term use, not exceeding 24 months.

UU. **"Service Termination"** means that depending on the type of service, the ends occur at the following places:

1. Metered small (1 inch or less) service on private property: through the meter and to the first coupling connection.

2. Metered large (more than 1 inch) service on private property: through the downstream meter valve.

3. Metered service in public right-of-way: through the first coupling.

4. Unmetered service, meter stop or valve: to the backside of the shutoff valve.

VV. **"System Development Charge (SDC)"** means a fee applied to create a new service or make an existing service larger.

WW. **"Tenant"** means a person who rents or occupies property from another person.

XX. **"Vaulted Basement"** means below-grade building extension into the right-of-way.

YY. **"Volumetric Charge"** means a charge that is based on how much water is used, as measured by the meter.

ZZ. **"Water Main Extension"** means the addition of more feet of water main to an existing water main.

AAA. **"Water Charges"** means water charges that appear on a ratepayer's bill, including water volume and water base charges, that are fixed by the Annual Rates Ordinance, which is approved by Portland City Council.

BBB. **"Wholesale Distributor**" means a water district, city, water company, association or other agency that buys water from the City of Portland and then sells or distributes it.

CHAPTER 21.08 - WATER MAIN

Sections:

21.08.010 Location of Main.
21.08.020 Main Extensions Inside City and Cost Sharing.
21.08.040 Main Outside the City.
21.08.050 Adequate Main Before Street or Other Public Improvement.
21.08.060 Installation of Adequate Distribution Main Inside the City.
21.08.070 Portland City Council Authorization for Laying Water Main and Other Water Improvements.

21.08.010 Location of Main.

A. Where a water main may be installed. A water main may be installed in public rights-of-way or easements.

B. Water main in easements. The Chief Engineer may authorize water main installation in an easement if the following conditions are met:

1. The easement is at least 20 feet wide (for a main that is 12 inches or less in diameter) and the outer edge of the main is a minimum of 6 feet from the nearest edge of the easement. Easements for a larger main must be reviewed individually and must be at least 30 feet wide, and the outer edge of the main must be a minimum of 12 feet from the nearest edge of the easement and any structure;

2. The edge of the easement is at least 2 feet from the property-side meter stop;

3. Any trees proposed to be planted in the water easement must provide a minimum separation at maturity of 10 feet and may only be planted along the outer edge of the easement;

4. There is no parking or structures allowed on or over the easement where the water main is to be placed;

5. The new water main is at least 50 feet long;

6. The easement extends a minimum of 8 feet beyond fire hydrants, 5 feet beyond the end of the main and 2 feet beyond services that are 1 inch in diameter or smaller; and

7. The Portland Water Bureau may have 24-hour unobstructed access to all parts of the easement main and appurtenances installed to support the main system.

The Chief Engineer may authorize additional requirements or exceptions to these rules.

C. A water main must extend at least 5 feet past either the closest property line or the location of the proposed service, whichever is farther.

D. The Chief Engineer may determine that the existing main is not close enough, large enough or in the wrong location to serve a property or development. If that happens, the applicant requesting new service may apply for the main to be built or improved.

The applicant must pre-pay the Portland Water Bureau to build the new main or make the existing main larger. The Portland Water Bureau determines how much this costs, based on the site and the Annual Rates Ordinance. To estimate the cost, the Portland Water Bureau will determine the most direct route through a public right-of-way or approved easement.

E. The Portland Water Bureau will determine main size, type and route based on long-term system needs.

The applicant must pay for the size and route specified by the Portland Water Bureau. The applicant must pay for a main large enough to meet their demand, or a main that is at least 6 inches in diameter.

If the Portland Water Bureau chooses to install a larger main than the project requires, chooses an alternate route for the main, or chooses to install other improvements at the same time, the Portland Water Bureau will pay the extra costs.

F. The Chief Engineer will establish, maintain and enforce engineering and technical standards to plan, design, construct, operate, maintain and protect all of the City's public drinking water system, related infrastructures and assets.

21.08.020 Main Extensions Inside City and Cost Sharing.

A. The Portland Water Bureau is responsible for designing and building a water main in the right-of-way. The Portland Water Bureau is the only authorized entity that can connect to and operate the live public water system.

B. The Portland Water Bureau may adopt rules about how it may share installation costs with applicants. Cost sharing may apply to new or improved water mains, main extensions, fire hydrants, services, and other water infrastructure.

At most, the Portland Water Bureau may pay 50 percent of the total project cost.

The Administrator will consider the following when developing cost sharing policies:

1. Public and private benefit derived from proposed privately financed water system improvements;

2. Rate impacts; and;

3. Availability of Portland Water Bureau funds.

C. Cost sharing in this Section does not apply to those projects:

1. Managed by City and other government agencies;

2. In newly paved streets under 5-year moratorium;

3. In state or county roadways;

4. In highways or freeways;

5. That cross rail facilities, or are in streets affected by rail facilities; or,

6. In cobblestone, Belgian block pavement, or non-City standard paving material.

Other exceptions may be determined by the Administrator. Cost sharing for public water improvements or relocation of portions of the water system that are covered in other regulations and policies, are not addressed in this Section.

21.08.040 Main Outside the City.

Any applicant requesting a main extension outside the City may apply in writing for construction of a water main. The Chief Engineer may approve the main extension if the request does not unreasonably impair water supply or pressure to existing services, whether inside or outside the City, and may not be reasonably provided water service through any other water supplier.

The Chief Engineer will determine if the water main extension is to be designed and constructed by the City, or if permission is to be granted for private design and construction of the main. If privately constructed, the work must conform to Portland Water Bureau specifications and standards as provided in Section 21.08.010. Upon Portland Water Bureau inspection and acceptance of the new water main, the Portland Water Bureau will connect it to the existing water system. After acceptance by the Portland Water Bureau, the water main extension will become the property of the City.

If the Portland Water Bureau decides to construct the main extension, the applicant must prepay the Portland Water Bureau the estimated cost prior to construction. The cost includes any bond, permits 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 of Portland City Code, exceeds the amount prepaid, the applicant must pay the difference to the Portland Water Bureau. If the actual cost is less than the amount prepaid by the applicant, the difference must be refunded. When the applicant requests a set price for such installation, the Portland Water Bureau will establish a price based on the estimated cost. After a set price has been established, no refunds or additional charges for the installation will be made except in those cases where the applicant requests changes to the design or construction and a new fee statement is issued.

Application for connection of property outside the Portland City limits to the City water main or main extension will be deemed a covenant that the applicant must comply with all provisions of Title 21 of Portland City Code and the rules and regulations of the Portland Water Bureau.

21.08.050 Adequate Main Before Street or Other Public Improvement.

The Chief Engineer may require that water main, backflow protection assemblies and other water system parts are installed, relocated or protected before public improvement is built.

Backflow protection assemblies must be installed before new services may connect to the water main. Refer to Section 21.12.320 for additional backflow requirements.

21.08.060 Installation of Adequate Distribution Main Inside the City.

Requesting a larger main. Sometimes an existing main is not large enough to accommodate a new service. If an applicant requests a new residential service 1 inch or smaller and there is not enough water capacity because the main is 4 inches or smaller, the applicant must wait until the City enlarges the main.

The applicant may also request that the City enlarge the main sooner. Upon review of the project, the Chief Engineer may grant the request. The applicant and the City must share the costs for enlarging the main. The Annual Rates Ordinance lists the costs the City must pay.

21.08.070 Portland City Council Authorization for Laying Water Main and Other Water Improvements.

A. The Portland City Council or its administrative officers may authorize the City to spend money on the water system. They may authorize money for projects the Chief Engineer and Administrator deem necessary, helpful or convenient. The money authorized to spend on the water system may pay the cost of the water improvements. This does not mean the City will always pay the entire cost of installing a new main if any portion of the work is eligible for payment or reimbursement under other regulations, codes or administrative rule.

B. Projects may include the following:

1. Pipelines or main, including making pipelines and main larger;

2. Pipeline or main extensions;

3. Interconnections;

4. Pumps;

5. Tanks and reservoirs;

6. Dams; or,

7. Other water system improvements or Portland Water Bureau assets.

C. The City must pay for projects through the Water Construction Fund.

CHAPTER 21.12 - WATER SERVICES

Sections:

21.12.010 New Service to Property Adjacent to Water Main.
21.12.020 Size of Service and Meter.
21.12.030 Application for Installation or Removal of Water Service.
21.12.040 Cancellation of Application for Service.
21.12.050 Service Branch Installation and Removal.
21.12.060 New Service Where Change in Size or Relocation Is Desired.
21.12.070 Separate Service.
21.12.080 Service to Property Partially Outside City.
21.12.090 Temporary Water Service.
21.12.100 Annual Fire Hydrant Permit.
21.12.110 Installation of New Services from the Mains.
21.12.120 Connections to the Water Service.
21.12.130 Service and Maintenance Responsibility.
21.12.140 Water Pressure at Service.
21.12.150 Damage Through Pipes and Fixtures.
21.12.160 Authority to Disconnect a Property Due to Potential Damage to Water System or Another Property's Facility.
21.12.170 Use of Private Water and City Water.
21.12.180 Disconnection of Service When Charges Have Not Been Paid.
21.12.190 Reactivation of Curb Service.
21.12.200 Defective Service.
21.12.210 Master Metering of More Than One Water Service.
21.12.220 Service - Fire.
21.12.230 Permit and Report Required to Do Plumbing Work.
21.12.240 Service Location Change on Portland Water Bureau Projects.
21.12.250 Location of Meters Inside City.
21.12.260 Water Service in Basements Within the Public Right-of-Way.
21.12.270 Ownership of Meters.
21.12.280 Damaged Meters Owned by the City.
21.12.290 Meter Area and Access to Be Clear.
21.12.300 Shutoff Because of Defective Water Meter or Water Service.
21.12.310 Authority for Testing and Repairing Meters.
21.12.320 Contamination of City Water Supply and Requirements for Backflow Protection.
21.12.330 Approval and Release of Easements and Real Property.
21.12.340 Identification of Meter Readers and Inspectors.

21.12.010 New Service to Property Adjacent to Water Main.

A request for a new service within the City and adjacent to a City water main is subject to the provisions of this code and the Annual Rates Ordinance.

To obtain water service, the service connection must be along the front lot line of the property to be served and be adjacent to a right-of-way in which there is a public water main.

The Chief Engineer may approve of a new water service within an easement across a separate parcel of land if the parcel the applicant desires to serve has no front lot line along a right-of-way (a landlocked parcel). The landlocked parcel must be originally platted and may not have been created through a street vacation or land-use action. The applicant must provide a copy of the recorded easement prior to startup of construction.

The Chief Engineer may approve of a new water service from a main within an existing public easement. The service must be within the easement and be readily accessible for construction, maintenance and meter reading.

If an application is made for service from a water main less than 6 inches in diameter, the connection will be deemed temporary unless such main was designated as a permanent main. If the connection is temporary, the connection will not entitle the person or premises to have said main replaced with a larger main at the City's expense. The application for service from a 4-inch main or smaller will 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 will be deemed a covenant and the applicant must comply with all the provisions of this Title and the rules and regulations of the Portland Water Bureau.

Any application for a new service outside the city limits must comply with all provisions of this code and the City's Comprehensive Plan Policy 8.11, Annexation.

21.12.020 Size of Service and Meter.

Whenever an application for water service and meter is received, the Chief Engineer may reject such application if, in the judgment of the Chief Engineer, the service and meter size requested is not sized appropriately for estimated use by the premises. Estimates of use must follow generally accepted engineering standards from the American Water Works Association (AWWA) and the American Society of Civil Engineers (ASCE). The Chief Engineer will specify the appropriate size of the Portland Water Bureau service and size and type of meter. The service size, as determined by the Chief Engineer, will not be a warranty of sufficiency for pressure or volume of water to be afforded the premises. No service and meter less than 1 inch in size may be installed.

The installation of a backflow prevention assembly may cause the pressure or volume of water to be less than supplied previously by the City at the meter. It is the responsibility of the applicant to calculate the effect of installing a backflow prevention assembly in addition to sizing for domestic and fire needs.

If larger waterflows are required for fire protection, the applicant must pay for that improvement.

21.12.030 Application for Installation or Removal of Water Service.

All applicants must make written application to connect with or disconnect premises from the City water system on forms provided by the Portland Water Bureau. The applicant must complete these forms in full and must agree to abide by the rules and regulations of the Portland Water Bureau. If the applicant is not the property owner, the applicant must

include written approval from the property owner that the work is authorized on the private property.

All applicants for water services must submit a scalable site utility plan showing the whole street running along the length of the property at the time of application that indicates the size and type of service required, location and type of backflow assembly when required and all existing and proposed utilities in the proximity of the proposed service location and the entire width of the right-of-way. The site plan must show all required clearances from existing and proposed utilities, guy wires, trees, appurtenances, structures and the distance from the service to the nearest property line. If an easement is being used, that must be included on the site plan as well.

Payment for service to a new building or structure that requires a building permit will not be accepted until the permit has been issued as provided in the building regulations of the City. No application for a service may be approved unless the conditions set forth in this Title are met.

Following approval and payment of the service and the connection to the City water, the new water main must be installed and tested before the new main and service can be connected to the public water system.

Where backflow protection is required, the backflow assembly must be installed and tested prior to connection to the main and must be compliant with applicable State of Oregon and City backflow prevention and cross-connection control rules and regulations. Installation costs associated with providing required backflow protection must be borne by the applicant.

The City's acceptance of any fees for application or permits does not waive any of the conditions set forth in this Title or grant specific right of connection.

Upon application for any development-related building permit or application for additional services or upgrades, the Portland Water Bureau may review the site for adequate water service size or other code requirements. If an existing service is determined to be inadequate to serve the site or nonconforming to this code, the Portland Water Bureau will determine the appropriate requirements to bring the site into compliance.

21.12.040 Cancellation of Application for Service.

An applicant may request in writing that an application for service be canceled up to the time that the service is installed. The Portland Water Bureau will refund the application fee, except for any portion of the fee needed to cover Portland Water Bureau costs for partial processing of the application or for actual work done on partial installation, plus a 15 percent service charge for the cost of handling and overhead. A service that has not been installed within one year of the date of payment of fee statement will be canceled, and the fee less the accrued costs plus 15 percent for the cost of handling and overhead will be returned to the applicant.

21.12.050 Service Branch Installation and Removal.

Service branches for future services may be installed before the design of a development is constructed if there is a planned development with preliminary site and utility plans submitted to the Portland Water Bureau, another public agency, or by a developer, with the prior written approval of the Chief Engineer, when the Chief Engineer determines that such installation will benefit the City. Installation of a service branch for a future service may be installed concurrently with the construction of a public improvement project if sufficient detail on size and location can be determined and prepayment for the service branch is made. If an application is not made to install the meter or service activation within 5 years of service branch installation, the Portland Water Bureau may disconnect the service branch at the main with appropriate notice to the property owner. If service is requested after 5 years from date of the branch installation and has not been previously disconnected, the Portland Water Bureau will determine the condition of the service branch and whether it may be used. The applicant must pay for the cost of renewal of the service, if required. Service branches not used at the time of the development or redevelopment of the property must be removed when new services are installed. The applicant is responsible for all costs to renew or remove the unused service branches.

21.12.060 New Service Where Change in Size or Relocation Is Desired.

A. When a new smaller or larger service is desired at a property and the Chief Engineer concurs that the requested size is appropriate, the following charges will apply:

1. For each new larger domestic or irrigation service, an old domestic service that is 2 inches or smaller will be removed at no cost.

2. For a new smaller or same-sized service, the charge to remove an existing service is provided in the Annual Rates Ordinance.

3. Charges to remove inactivated service pipes larger than 2 inches are provided in the Annual Rates Ordinance.

B. Charges to install new or relocated services are provided in the Annual Rates Ordinance.

C. If the Portland Water Bureau has identified a service as being defective, a new service of the same size will be installed by the Portland Water Bureau at no charge. 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 from the property owner if that is someone other than the applicant. If an application for a larger service is received prior to replacement, the applicant must pay the difference between installation fee of the two sizes, and the System Development Charge (SDC) for the larger meter, with a credit for the SDC equal to the meter for the service being removed as provided in Chapter 21.16.

D. If a service is relocated or changed in size, additional backflow protection may be required and must be installed and inspected by the Portland Water Bureau prior

to service activation. The cost of backflow protection is the responsibility of the property owner.

21.12.070 Separate Service.

A. Separate meters are required to supply water to:

1. Each separate lot, parcel, house or building under separate ownership;

2. Buildings on multiple contiguous lots under the same ownership;

3. New mixed-use buildings will be required to have a separate commercial meter;

4. New non-residential developments which will include irrigation of 1,000 square ft or greater will be required to install a separate irrigation meter.

B. Separate meters may be installed to supply water to:

1. New accessory dwelling units (ADU's);

2. New residential and multifamily developments with more than one unit;

3. Developments that are required to up-size their meter; or,

4. Other developments approved by the Chief Engineer.

Effective Date. This Subsection will go into effect on July 1, 2021.

21.12.080 Service to Property Partially Outside City.

Where service is requested for a property lies partially inside and partially outside 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 Portland Water Bureau may provide service through separate services and meters and must charge rates in accordance with outside City service rates. Such services must be installed at the expense of the property owner. See Section 21.08.040 for additional requirements.

21.12.090 Temporary Water Service.

The Portland Water Bureau may install a temporary water service to a site that has no long-term need of a permanent water service, such as to a construction site or temporary irrigation for plant establishment in the right-of-way. Use of a temporary service must not exceed two years from the date of installation.

The applicant desiring temporary service must submit a request for service to the Portland Water Bureau and declare the intended purpose of the service. The applicant must specify

the location of the service, the length of time needed, the volume of water required, and the peak flow rate anticipated.

If temporary service is allowed, the Portland Water Bureau will install a service and a meter at the expense of the applicant. Fees to remove the service must be charged to the applicant at the same time as the installation fee. If the Portland Water Bureau installs a temporary service, the applicant must utilize it as if it were a normal permanent service.

All temporary water services are required to be equipped with a minimum of a double check valve assembly installed for backflow protection. The backflow assembly must be installed at the service connection to the premises in accordance with Section 21.12.320.

Temporary fire hydrant permit. If the temporary service is supplied from a fire hydrant, the applicant obtaining the temporary fire hydrant permit must continuously follow the established rules and regulations governing the use of a fire hydrant, as detailed in Section 21.24.020, as well as all City, state and federal rules, regulations and guidelines governing the proper use and disposal of water. The applicant must meter or accurately gauge usage of water from the fire hydrant and report that usage to the Portland Water Bureau. The applicant must not use water from a fire hydrant other than that specified in the permit without prior written approval of the Portland Water Bureau. The applicant must use water exclusively for the stated purpose of the permit and must not allow others to utilize the permit to obtain water for any other purpose.

All temporary water services are required to be equipped with a minimum of a double check valve assembly installed at the service connection to the premises or on a City fire hydrant when permitted for such use. A reduced pressure backflow assembly may be required if the type of use of water warrants a higher level of protection. The backflow assembly installation must be inspected by the Portland Water Bureau prior to service activation. See Section 21.12.320 for additional requirements.

21.12.100 Annual Fire Hydrant Permit.

The Portland Water Bureau may, upon application, issue a permit for the use of fire hydrants as a source of water for commercial enterprises or government agencies that have continuous need of water at various locations throughout the City. Sufficient need must be shown to preclude obtaining water from a single permanent service. The fire hydrant permit allows use of the water exclusively for the stated purpose of the permit and must not allow others to utilize the permit to obtain water for any other purpose. Annual fire hydrant permits are renewed for the calendar year, beginning in January. The cost for an annual fire hydrant permit, not issued in January, must be prorated. The cost for an annual fire hydrant permit is set in the Annual Rates Ordinance. The applicant receiving the permit, and all persons who obtain water from fire hydrants, must continuously follow the rules and regulations governing the use of fire hydrants, as detailed in Section 21.24.020, as well as all City, state and federal rules, regulations and guidelines governing the proper use and disposal of water. All water trucks must be inspected for proper backflow protection equipment every three years by the Portland Water Bureau.

21.12.110 Installation of New Services from the Mains.

A. The Portland Water Bureau performs all work for installation of a water service within the existing public right-of-way or within an approved easement for domestic, fire and irrigation services, from the meter and the meter stop through the vault wall if the meter is in a vault to the first coupling, and for fire services from the main to the property side of the curb valve.

B. The property owner, tenant or developer is responsible for connecting to the service at the termination point whether in the public right-of-way, an approved easement, or on private property. When the service is in a vault, the connection must be on the private property side of the meter after the pipe exits the vault wall.

C. The Chief Engineer may allow a developer to install all or some of a water service in a subdivision or in conjunction with a developer installed water main currently on private property. Installation and maintenance of private water lines on private property is regulated by Title 25 of Portland City Code, as administered by the Bureau of Development Services. The Portland Water Bureau may also inspect, with notification to the property owner, private premises plumbing to apply applicable City or state cross-connection control rules and regulations as warranted. See Sections 21.12.320 and 21.24.040.

D. New services that are installed for future use without the meter are referred to as a Service – Branch and additional fees will apply for installation of the meter and activation.

E. A Service – Curb may or may not be useable for new connections and fees may apply.

F. Responsibilities for maintaining water services are found in Section 21.12.130.

21.12.120 Connections to the Water Service.

No connections to the water service may be made between the main and meter stop for metered services, or the valve nearest the property line for fire services, if in a public street, or the easement line if in a private street or an easement, unless installed by the City or authorized by the Chief Engineer. No private hose connections are allowed within a public or private street. Any discovered connections will be deemed a public health hazard, illegal and subject to enforcement actions per Chapter 21.24

21.12.130 Service Maintenance Responsibility.

This Section clarifies which sections of the service are the responsibility of the Portland Water Bureau or the property owner, tenant or other party responsible for the water service to maintain, repair or replace. Responsibilities for installation of new service are in Section 21.12.110.

A. For domestic and irrigation services:

1. If the connection is 1 inch or smaller, the Portland Water Bureau is responsible for maintaining, repairing, or replacing the section from the main through the meter to the meter stop. The property owner is responsible for maintaining, repairing, or replacing the portion from the meter stop to the right-of-way and on the private property**.**

2. If the connection is larger than 1 inch, the Portland Water Bureau is responsible for maintaining, repairing, or replacing the section that goes through the meter and the meter valve, through the vault wall if the meter is in a vault, and the vault itself. The property owner is responsible for maintaining, repairing, or replacing the portion downstream from the meter valve, or if the meter is within a vault, the portion downstream of the meter after the pipe exits the vault wall.

B. For fire services, the Portland Water Bureau is responsible for maintaining, repairing, or replacing the section that goes from the main to the property side of the curb valve. The property owner is responsible for maintaining, repairing, or replacing the portion downstream from the property side of the curb valve.

C. The Portland Water Bureau may do work on the property owner's side of the meter as necessary to reconnect an existing service line as part of a Portland Water Bureau project, maintenance, repair, or replacement activity with permission from the property owner.

21.12.140 Water Pressure at Service.

The Portland Water Bureau's goal is to provide water pressure to the property line in the range of 40 pounds per square inch (psi) to 110 psi. State of Oregon Department of Human Services and Oregon Health Authority rules dictate that a water service must provide a minimum of 20 psi at the meter. Pumps, elevated reservoirs and tanks, and pressure-reducing valves are utilized to provide pressure in the range of 40 psi to 110 psi when possible or practical. The Bureau of Development Services Plumbing Division, through Title 25 of Portland City Code, regulates plumbing and pressure on private property. Title 25 requires a pressure-reducing device for on-site domestic water systems that receive water at greater than 80 psi.

If the pressure to the service is within the range of 20 psi to 40 psi, the property owner may choose to install a booster pump system on the property owner's side of the meter to improve the pressure of the private plumbing system. The property owner is responsible for the installation, operation and maintenance of any pressure-boosting system. The addition of a booster pump may require the property owner to install an appropriate backflow prevention assembly on the water service, on private property, directly adjacent to the property line on the centerline of the City water service. See Section 21.12.320 for requirements.

The Portland Water Bureau does not guarantee that water can be provided continuously at a particular pressure or rate of flow. Varying demands on the system and the requirement to change in operations affect the flow and pressure available to the service.

21.12.150 Damage Through Pipes and Fixtures.

The Portland Water Bureau is not liable for damages caused by water running from open or faulty fixtures or pipes installed by the property owner or tenants or their contractors. The property owner is financially responsible for the repair of any water facilities that are damaged as a part of the property owner's or tenants' maintenance or repair work.

When a service pipe at the proper elevation or grade is damaged or destroyed by contractors or others in the performance of street work, or when service pipes are damaged by electrolysis, the person, contractor or company responsible for such damage or destruction must be billed by the Portland Water Bureau for the cost of repairing or replacing such pipes on the basis of the cost plus overhead, as provided in the finance regulations of Title 5 of Portland City Code.

21.12.160 Authority to Disconnect a Property Due to Potential Damage to Water System or Another Property's Facility.

A. The Portland Water Bureau may disconnect a property if it determines that the operation, location or configuration of the facilities or the meter used to provide service

1. poses a hazard to the City system or City employees or to the system or facilities of other properties;

2. causes pressure surges;

3. creates other hazards that are detrimental to operating the City water system or the water system or facilities of another property; or,

4. lacks required currently approved backflow protection.

B. If the Portland Water Bureau determines that such operations present a significant hazard, the property may be disconnected without prior notice. The Portland Water Bureau will notify the property owner or appropriate person of the disconnection as soon as is reasonably possible and explain the necessity of the action taken. Before the water service is reconnected, the property owner must provide the Portland Water Bureau proof that changes have been made that may preclude a recurrence of the hazardous condition.

C. Where a hazard exists, but potential damage is not judged to be imminent, the Portland Water Bureau will give the property owner prior notice of the intent to disconnect. The Portland Water Bureau will state the reason for the disconnection.

21.12.170 Use of Private Water and City Water.

A property owner of premises desiring to use both the City water supply and a supply of water other than that furnished by the Portland Water Bureau, including City water that has been stored for alternate use, may obtain water service only upon complying with the following conditions:

A. Prior to obtaining water service, an approved reduced pressure backflow assembly (RPBA) must be installed as outlined in the Portland Water Bureau's "Backflow Assembly Installation Requirements" and Oregon Administrative Rules 333-061-0070, "Cross Connection Control Requirements." See Section 21.12.320 for additional requirements.

B. If water from a supply other than that provided by the Portland Water Bureau is found without RPBA protection, the City water supply to the premises must be immediately shut off with or without notice. Service must not be reestablished until an approved RPBA has been installed at the service connection to the premises and has been inspected, tested and registered with the Portland Water Bureau.

On-site independent potable supply systems must comply with all rules and regulations determined by the Oregon Health Authority and must be assessed by the City for all standard System Development Charges for connection to City water service.

21.12.180 Disconnection of Service When Charges Have Not Been Paid.

If base or volumetric charges are not paid for a period of 12 months, the Portland Water Bureau may consider the service abandoned and may disconnect the service. When backflow protection is required as outlined in this Title, abandoned or disconnected services must not be reactivated until adequate backflow protection has been installed, inspected and approved by the Portland Water Bureau. See Section 21.12.320 for requirements.

21.12.190 Reactivation of Curb Service.

The property owner or person responsible for the service may apply to the Portland Water Bureau to reactivate a curb service by paying the current service activation fee, listed in the Annual Rates Ordinance, to reinstall a meter on the service. The Portland Water Bureau may also require installation of a backflow prevention assembly prior to reactivating service. The existing pipe and connections may be used if the Portland Water Bureau determines them to be in sound condition and adequate for the intended use. If the piping or connection is found to no longer be fit for use and base charges have not been continuously paid, the property owner must pay for replacement of the existing piping.

If service is desired at a different location than existing or if a larger pipe and connection are required, service installation must be per Section 21.12.060.

21.12.200 Defective Services.

Where there is a defective service or leaking service within the public right-of-way or within a Portland Water Bureau easement between the main and the meter of a domestic (standard) or irrigation service, or between the main and the valve behind the curb of a fire service, the Portland Water Bureau will make all repairs free of charge. However, if the defect or leak is on a service for which the base charge or other charges are not being paid, the Portland Water Bureau may disconnect the service at the main. Services replaced because of defects or leaks must be renewed in the same size as the service removed, subject to the provisions which allow an owner of the property to request a change of

service size (refer to Section 21.12.060). The Portland Water Bureau may require the installation of an approved backflow prevention assembly when a new service is approved.

21.12.210 Master Metering of More Than One Water Service.

Upon approval by the Chief Engineer, the Portland Water Bureau may permit the master metering of more than one water service, or to wholesale customers. In such case, the owner or tenant of the premise served must designate someone who must, through written agreement with the Portland Water Bureau, be responsible for the payment of all water charges and the acceptance of service of all water related notices. This person is liable for all water related charges until the agreement is terminated or a written agreement is established with another party. In the event payment for water charges is not made in full when due, the Portland Water Bureau may terminate the service pursuant to normal procedures, in spite of the tender of partial payment by any other owner or tenant of the premises so served.

21.12.220 Service - Fire.

Water through a fire service may be used only for fire protection and suppression, and requires periodic system testing at the premises being served. It is unlawful to use a fire protection service for domestic supply, maintenance, irrigation or any other purpose.

A fire service 2 inches or larger that supplies only a fire system must be equipped with a detector metering device that is part of the backflow prevention assembly. This assembly must be installed and maintained by the property owner. A service that supplies water for multiple needs, such as for domestic use and for fire suppression, must be fully metered and must comply with the requirements of Section 21.12.030.

Backflow protection that complies with Section 21.12.320 is required on all fire services.

To avoid unauthorized use of a fire system, the Portland Water Bureau requires the property owner to install an approved full-flow meter under the following conditions:

A. The existing detector metering device registers use of water for purposes other than to extinguish a fire or to test the system or

B. Connections have been added where only a detector-metered backflow assembly exists.

When full-flow metering is required because of unauthorized use, the Portland Water Bureau will charge the property owner for installing the meter and/or the meter vault and will assess a System Development Charge based on the size of the service. The Portland Water Bureau policy for additional charges for unauthorized use of water from a fire protection system is established in Section 21.16.200.

21.12.230 Permit and Report Required to Do Plumbing Work.

It is unlawful for any plumber or other person to make installations, replacements, extensions or repairs to any City water service pipe, to connect one service pipe with another service pipe, to extend a pipe from one building to another building or to turn water

on or off at any premises without written permission from the Chief Engineer. Such changes may require the installation of an approved backflow prevention assembly, as detailed in Section 21.12.320. After the issuance of a permit from the Bureau of Development Services to a plumber or other person authorized by the plumbing inspector to do plumbing work, the permittee must make a report in writing to the Plumbing Division of the Bureau of Development Services of all connections, attachments and extensions made in accordance with the permit within three days of completion of work.

21.12.240 Service Location Change on Portland Water Bureau Projects.

A. When an existing service needs to be relocated as part of a Portland Water Bureau project, including when an existing service does not connect to a water main along the Front Lot Line, and the Portland Water Bureau is laying a new main or replacing an existing main in the right-of-way along the Front Lot Line, Portland Water Bureau will:

1. Notify and coordinate with the property owner;

2. Move (also known as relocate) the service connection to the new main in the right-of-way; and,

3. Cut and permanently remove the old service connection.

B. Re-alignment of the existing service line on private property, also known as backside plumbing, necessitated due to work identified in Subsection 21.12.240 A., must be coordinated with the property owner and performed by a licensed plumber as part of the Portland Water Bureau project or by a licensed plumber hired by the property owner.

C. The Portland Water Bureau is responsible for reasonable costs to accomplish work identified in Subsections 21.12.240 A. and 21.12.240 B.

D. After connection of the new service, the service line on the downstream side of the meter becomes the responsibility of the property owner to maintain, repair, and replace. See Section 21.12.130. Portland Water Bureau has no ownership or maintenance responsibility once the private service line has been tested, passed final plumbing permit inspection, and has been turned over to the property owner.

E. If a property owner wishes to change their service or meter size as part of the Portland Water Bureau project, the property owner is responsible for the difference in cost to upsize their service and/or meter, including SDC's.

F. When a service connection is relocated, the Portland Water Bureau will apply current engineering and public health standards, including but not limited, to replacement of any existing backflow devices and pressure reducing vaults.

G. If the existing backflow protection does not meet current codes or the work is related to a code compliance order, the property owner is responsible for the cost of providing or updating backflow protection required by Section 21.12.320.

H. If the backflow protection meets current codes, is in good condition and functioning correctly, and the service relocation is due to a Portland Water Bureau project, the Portland Water Bureau will pay for the costs to relocate or replace the backflow prevention device at the same time as the service relocation.

21.12.250 Location of Meters Inside City.

A. Within the City, the water meter must be located in or adjacent to the street except where a City main is already located in an easement upon private property. For service within easements, the Portland Water Bureau may allow a water meter to be located on or adjacent to an existing line if the necessary easements for the meter installation are approved by the Chief Engineer. If a service from an easement requires a premises isolation backflow assembly, such protection must be installed immediately adjacent to the service connection on the private property side of the easement, at the easement line, and on the centerline of the City's water service as it exits the easement.

B. Unless this requirement is waived in a particular circumstance at the discretion of the Chief Engineer, and except as provided in Section 21.12.260, all water meters must be outside any buildings on the premises and must be safely accessible by Portland Water Bureau staff 24 hours a day for reading, testing, servicing or replacement.

21.12.260 Water Service in Basements Within the Public Right-of-Way.

A. A metered water service and associated piping and equipment installed within a building's basement that extends into the public right-of-way (also known as a Vaulted Basement) must be enclosed to prevent damage to the building and its contents. The property owner served, at the owner's expense, must design, fabricate and install a waterproof vault that encloses the entire water service from the open wall to the backside of the meter assembly and separates it from other premises infrastructure, such as electrical panels, wires and equipment. Where premises isolation and backflow protection are required in such instances, the service connection to the premises will be that portion of piping exiting the waterproof vault. Refer to Section 21.12.320 for additional requirements.

B. If a metered water service and associated piping and equipment installed within a vaulted basement that extends into the public right-of-way is found to exist at any time without the proper waterproof vault, the Chief Engineer will notify the property owner of the requirements.

The property owner must have the vault designed and installed within the time allowed by the Chief Engineer. The Chief Engineer may allow additional time for the installation for extenuating circumstances and may, at the Chief Engineer's

discretion, require a waiver and indemnity as provided in Subsection 21.12.260 D., in return for the grant of additional time.

If the property owner does not have the vault installed within the time allowed by the Chief Engineer, the Chief Engineer may deem that a hazard exists, and service to the property may be disconnected as provided in Section 21.12.160.

C. The property owner must provide design plans that meet the requirements of this Title and any Portland Water Bureau guidelines that are applicable to waterproof vaults and backflow prevention. The design plans must be reviewed and accepted by the Chief Engineer.

The vault must be designed and installed according to the Portland Water Bureau requirements so that Portland Water Bureau staff may safely access the meter and associated equipment 24 hours a day, and so that the meter and associated equipment may be read, tested, serviced and removed from the sidewalk area above.

The vault must be designed and installed to support the meter assembly and the full weight of water that may fill the vault. At the property owner's expense, the Portland Water Bureau will furnish a frame and cover for the meter vault, which must be installed by the property owner.

The vault must be constructed of material that resists corrosion or be protected by a corrosion-resistant coating. The property owner is responsible for the integrity of the vault and must maintain the vault to keep it free of corrosion and in a clean condition.

The property owner must provide an opening through the outside basement wall for installation of the service and must seal the opening after installation of the pipe. The property owner must seal all openings to the vault except those leading to the sidewalk area.

D. Except in cases of new services, the property owner, as an alternative to compliance with this Section, must execute for the benefit of the City an agreement, in a form satisfactory to the Chief Engineer and City Attorney, including the following:

1. The property owner waives any claim for damages for personal injury or property damage against the City and its officers, agents and employees arising out of noncompliance with the requirements of this Section; and

2. The property owner defends and holds harmless the City and its officers, agents and employees against any claim by any person for damages for personal injury or property damage arising out of noncompliance with the requirements of this Section.

21.12.270 Ownership of Meters.

All new services must have meters provided and installed by the Portland Water Bureau, except sewer meters; commercial, domestic and irrigation submeters; and as provided for

fire protection in Section 21.12.220. The cost of the meter plus installation will be charged to the applicant requesting the new service. The new meter is owned by the Portland Water Bureau.

The Portland Water Bureau will assume all repair, maintenance and future replacement responsibilities for new meters. For private meters that are used by the Portland Water Bureau for billing purposes, the Portland Water Bureau will perform all future repair, maintenance and replacement work at no charge to property owners or tenants. If the private meter is determined to be obsolete, the Portland Water Bureau will replace the privately-owned meter with a new Portland Water Bureau–owned meter at no charge to the property owner or tenants. The Portland Water Bureau will assume all responsibility for the cost of future meter repair or replacement.

As outside areas are annexed to the City, privately-owned meters will be repaired or replaced by the Portland Water Bureau on an as-needed basis with new Portland Water Bureau–owned meters at the City's expense.

All annexed services are required to meet backflow protection requirements, as detailed in Section 21.12.320. All costs associated with providing currently approved backflow protection are the responsibility of the property owner or tenants.

21.12.280 Damaged Meters Owned by the City.

Whenever a meter owned by the City is damaged by hot water or damaged by the carelessness or negligence of the property owner, tenants or others, the Portland Water Bureau must repair the meter and charge the repair costs to the property served tenants or to the person or persons responsible for the damage. The cost of the repairs is as prescribed in the Annual Rates Ordinance.

21.12.290 Meter Area and Access to Be Clear.

Portland Water Bureau personnel must have access to read and maintain water meters 24 hours a day.

A. It is unlawful for anyone to do the following:

1. Block meter access;

2. Store or maintain any goods, merchandise, material or refuse, landscaping or install equipment over, under or within 5 feet of any water meter, gate valve, or other appliance in use on any water meter connection of the Portland Water Bureau; and/or,

3. Park a motor vehicle over, upon or in such a manner as to prevent access to any water meter, gate valve or other appliance in use on any water meter connection owned by the Portland Water Bureau regardless of whether such Water Bureau property is located on public or private property.

B. Whenever it is necessary for the Portland Water Bureau to enter a building to read the meter or work on the connections, the property owner is responsible for the following:

1. A safe passageway maintained by all occupants of the premises;

2. Maintain the premises free and clear of obstructions from the entrance of the premises to the meter; and,

3. The meter being accessible, not blocked by shrubs or landscaping or equipment.

C. The Portland Water Bureau may trim or remove any obstructions, and the property owner or tenants and the premises may be charged as prescribed in Portland City Code Title 5, Revenue and Finance.

21.12.300 Shutoff Because of Defective Water Meter or Water Service.

A water meter, owned or read by the City, may be determined to be defective by the Portland Water Bureau. Conditions that determine whether a water meter is defective may include, but are not limited to, the lack of adequate support; defective plumbing; lack of shut-off equipment necessary to permit meter tests by the Portland Water Bureau; wear due to earth movements; subsidence; pipe bends; or faulty or loose connections.

The Portland Water Bureau will notify the property owner or tenant to remedy the defect on the property owner's or tenant's side of the meter within 10 days from the date of notification. If the repairs or alterations are not completed within the time specified, the water service will be shut off until the repairs or alterations are completed. Refer to Section 21.12.200.

The Administrator or Chief Engineer may allow additional time for completion of repairs or alterations for extenuating circumstances.

21.12.310 Authority for Testing and Repairing Meters.

The Portland Water Bureau may test or repair any water service meter at any time without permission from the property owner and for this purpose may, upon notice, temporarily shut off the water. If a meter that is larger than one inch on City lines requires repairs, the Portland Water Bureau will give notice to the property owner or tenants and immediately place the meter in good working order. If the meter is not repairable due to wear, obsolescence or parts that are not available, the Portland Water Bureau will replace the meter in accord with Section 21.12.270.

21.12.320 Contamination of the City Water Supply and Requirements for Backflow Protection.

A. Except as required for operation of the water system, it is unlawful for any person to introduce or permit the introduction of any substance, pollutant or contamination of any kind into the City water supply system.

B. The property owner or tenant may be required to install backflow protection in order to protect the water system. The Portland Water Bureau operates a premises isolation cross-connection control program as outlined in Oregon Administrative Rule (OAR) 333-061-0070.

1. Per OAR 333, the Portland Water Bureau requires an approved backflow prevention assembly when the Portland Water Bureau determines that:

a. a complete physical separation from the City water system is not practicable or necessary;

b. adequate inspection for cross-connection may not be readily made; or,

c. there exists a possibility of backflow contamination resulting from special conditions, use or equipment.

The Portland Water Bureau may require an approved backflow prevention assembly to be installed where premises are developed for new construction, where buildings or structures are remodeled or where property owner or tenant improvements are made.

No City building permit may be issued without the prior review and approval of the Portland Water Bureau for backflow protection. The Portland Water Bureau may approve such building permits with proof of adequate premises isolation backflow protection is or are to be installed subsequent to building permit issuance. Refer to Section 28.08.020 for additional backflow assembly requirements for floating structures.

It is the responsibility of the building permit applicant to ensure that required backflow protection is clearly noted and shown on all permitted construction drawings. Backflow protection required under a building permit must be installed prior to receiving a Building Inspector certificate of temporary or final occupancy depending on permit issued. Regardless of whether a premises has structures or whether structures are occupied or vacant, the property owner is responsible for maintaining required premises isolation backflow protection.

2. All assemblies must be tested immediately after installation or whenever the assembly is moved or repaired. Assemblies must also be tested at least once a year, on a schedule determined by the Portland Water Bureau, or more frequently as deemed necessary to ensure adequate backflow protection is achieved. Tests must be performed by a tester who is certified by the State of Oregon. Copies of the test results must be provided to the property owner and to the Portland Water Bureau. Backflow prevention assemblies that are not functioning properly must be repaired promptly and retested or replaced. The property owner and the owner of the backflow assembly, if different than the property owner, are responsible for all

associated costs of repair, testing and replacement. Upon request from the Portland Water Bureau, backflow assembly testers must submit valid State of Oregon certification credentials and Oregon Construction Contractors Board licensing documents prior to testing backflow assemblies within City boundaries.

3. When the Portland Water Bureau has reasonable cause to believe that an existing or potential cross-connection is located on a property owner's premises, the Portland Water Bureau will terminate water service to the premises. The Portland Water Bureau may also deny or discontinue water service to premises whenever it is found that required premises isolation backflow protection has not been installed, is malfunctioning or is not being properly maintained, or has not been tested or repaired and retested.

Water service may not be provided or reestablished until adequate approved backflow protection has been installed, tested and inspected by the Portland Water Bureau or the cause of the cross-connection hazard has otherwise been eliminated.

As established in the Annual Rates Ordinance, charges must be applied when required backflow protection is not being maintained or is missing. Charges or water service shutoff actions may be applied to the property owner if the premises are supplied water by the Portland Water Bureau.

As established in the Annual Rates Ordinance, a charge must be applied to the water service account for each required premises isolation backflow assembly installed. This charge will be based on the total number of water service accounts equipped with required premises isolation backflow protection and be payable by the property owner, tenant, or party who has agreed with the Portland Water Bureau to accept responsibility for payment of water bills.

Prior to water service being shut off for not maintaining required backflow protection, the Portland Water Bureau will notify the property owner or tenant.

As established in the Annual Rates Ordinance, charges must be applied to the property owner or tenant water bills for each subsequent written notification to the first annual reminder letter requesting annual backflow assembly testing be completed within 30 days of mailing.

A notification must be sent to the service address and to the address of the property owner or tenant who agreed to accept responsibility for payment of water bills.

The notification must state the anticipated date that water service is to be shut off. Annual Rates Ordinance charges must be applied to the property owner or tenants who had agreed with the Portland Water Bureau to accept

responsibility for payment of water bills and for activities associated with water service shutoff and reactivation as established in the Annual Rates Ordinance.

Once a water service has been shut off, it must not be reactivated until all applied charges have been paid and required backflow protection is compliant with Oregon Health Authority Cross-Connection Control Requirements and this Title.

It is the obligation of the property owner or tenant to ensure that the Portland Water Bureau has the most current and accurate address of record. There is no obligation on the part of the Portland Water Bureau to determine if the address of record provided is the best or most current.

21.12.330 Approval and Release of Easements and Real Property.

A. The Chief Engineer and the Administrator have authority to accept and amend easements, permits, and related documents needed for the construction and management of the water system when payment of consideration does not exceed two hundred thousand dollars. The Chief Engineer and the Administrator have authority to release easements, permits, and related documents no longer needed for water system purposes. For street vacations or non-exclusive easements, release by the Chief Engineer or Administrator will not imply the release of easements and interests of other bureaus and agencies of the City. Easements, permits, and related documents authorized by the Chief Engineer and the Administrator are subject to approval as to form by the City Attorney's Office.

B. Acting jointly, the Chief Engineer and the Administrator may accept deeds, contracts, and related documents to purchase real property in fee when payment of consideration does not exceed two hundred thousand dollars. The Chief Engineer and the Administrator may execute documents necessary to sell fee property interests no longer needed for public water system purposes under reasonable terms approved as to form by the City Attorney. Portland Water Bureau procedures for disposing of surplus property will conform with City surplus property disposition policies.

C. The Administrator or Chief Engineer may grant easements, leases, and licenses on Portland Water Bureau property upon reasonable terms and conditions approved as to form by the City Attorney.

21.12.340 Identification of Meter Readers and Inspectors.

Each employee of the Portland Water Bureau going onto private property for purposes such as, but not limited to, reading, inspecting or testing any metering device, piping system or backflow assembly installed under the provisions of Oregon Health Authority Cross-Connection Control Requirements and this Title must wear identification from the Portland Water Bureau in a conspicuous place upon the exterior of their clothing. The identification

must be shown upon demand of any property owner, tenant or person in charge of the premises entered.

CHAPTER 21.16 - RATES AND CHARGES

Sections:

21.16.010 Setting Water Rates.
21.16.020 Portland Water Bureau Finance Reporting Requirements.
21.16.030 Billing Responsibility.
21.16.040 Delinquent Utility Bills.
21.16.080 Dates and Places of Payment.
21.16.090 Deposit and Application.
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21.16.110 Portland Water Bureau May Contract for Collection of Revenues.
21.16.120 Collections, Adjustments and Refunds.
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21.16.140 Authority to Estimate Bills.
21.16.150 Testing Meters.
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21.16.190 Charges for Water Used Through a Fire Protection Service.
21.16.200 Charges for Unauthorized Use Service – Fire.
21.16.220 Billing and Collection for Others by Contract.

21.16.010 Setting Water Rates.

Each year, Portland City Council sets water rates for the coming fiscal year (the year starting in July and ending in June). The rates reflect the Portland Water Bureau's estimated funding needs.

For more about rates: Portland City Charter, Section 11-105.

21.16.020 Portland Water Bureau Finance Reporting Requirements.

An annual detailed statement of its income and expenditures shall be made and included in the City's Comprehensive Annual Financial Report.

21.16.030 Billing Responsibility.

The property owner (as listed in county tax records) is responsible for paying water charges. A tenant or another person may accept responsibility for water charges, but the property owner is responsible for any unpaid bills.

The City bills for water service every day, even if the property is unoccupied or does not have a structure on it. The property owner is responsible for all water charges, even if the property is vacant.

When one meter serves multiple units, the property owner is responsible for payment. When separate meters are provided are provided to each unit on the property, that are under separate ownership, the owner of the unit is responsible for payment. A person other than

the owner of the property may accept responsibility for payment, but the property owner is still responsible for any unpaid bills.

The property owner is responsible for all water charges if the tenant has not accepted responsibility, or if bills are unpaid.
Either the property owner or a tenant may notify the Portland Water Bureau of the date to open or close a tenant's account. If there are multiple notices, the Portland Water Bureau will use the first date it received to open or close the account.

If a person wants to change the date to open or close an account, the Portland Water Bureau may change it if the property owner, tenant and the Portland Water Bureau agree. The Portland Water Bureau will not mediate billing responsibility date disputes between landlord and tenant.

The Portland Water Bureau may visit a property to determine whether it is vacant. If the Portland Water Bureau determines that it is vacant, the Portland Water Bureau must start billing water charges to the property owner or the person responsible for the bill on the date of the visit. The property owner is responsible for these charges and any unpaid bills.

If a property owner, tenant, or other ratepayer has an outstanding balance on an account, the Portland Water Bureau may apply this balance to any of the other ratepayer's accounts the Portland Water Bureau serves. If a ratepayer has a credit at a property they no longer own, the Portland Water Bureau will apply the credits.

When a property is sold, the seller is responsible for all City utility charges until the date the buyer officially possesses the property. If the seller and buyer do not agree about the possession date, the Portland Water Bureau will verify the date in county tax records.

21.16.040 Delinquent Utility Bills.

A. When any charge is more than 10 days late, the Portland Water Bureau may shut off service.

B. The Portland Water Bureau gives written notice to the service address before shutting water off for nonpayment. The notice shows the planned shutoff date.

The notice also includes information about the property owner, tenant, or ratepayer's right to challenge the shutoff through an administrative review process.

C. The property owner, tenant, or ratepayer must make sure the Portland Water Bureau has their current and most accurate billing address. The Portland Water Bureau is not responsible for checking addresses.

D. The Portland Water Bureau may turn water back on if one of the following conditions has been met:

1. All outstanding charges have been paid.

2. Payment arrangements (online, by phone, by email, in person or by mail) have been made with the Portland Water Bureau.

E. When the Portland Water Bureau shuts off or turns on water, it adds charges to the water account as specified in the Annual Rates Ordinance.

F. The Portland Water Bureau may postpone shutoff when:

1. Lack of water endangers health or cause substantial hardship. The Portland Water Bureau may decide to continue water service for a specified amount of time.

2. A written payment arrangement for all delinquent amounts has been accepted by the Portland Water Bureau.

G. If payments are not made as agreed in the payment arrangement, the Portland Water Bureau may shut off water and not turn it on again until charges are paid in full.

H. The Portland Water Bureau may institute legal proceedings and may work with collection agencies to collect delinquent charges.

I. The Portland Water Bureau collects delinquent sanitary sewer and stormwater management charges in the same ways it collects delinquent water charges consistent with the City's debt collection policies.

J. If the delinquent bill does not include water charges, the City may collect the funds in the ways described in Portland City Code Sections 3.24.020 and 3.24.030.

21.16.080 Dates and Places of Payment.

The Portland Water Bureau calculates, and issues bills on a set schedule (every month, every other month or every quarter as requested by the customer). Each bill lists its due date.

People may pay their bills electronically, by phone, by mail or in person to Portland Water Bureau Customer Service.

21.16.090 Deposit and Application.

An application, deposit, or both, for water service may be required if the service has been shut off for nonpayment, or the person responsible for the service have filed bankruptcy and who are requesting service or continuation of service. Failure to provide either the application, deposit, or both, within the due date specified by the Portland Water Bureau may result in discontinuance of service.

21.16.100 Deposit of Money Received.

The Portland Water Bureau deposits all of the money it receives into the bank designated by the City Treasurer.

The Treasurer keeps water funds (called the Water Fund, the Water Construction Fund and the Water Bond Sinking Fund) separate from other City funds.

The Treasurer may only pay from these funds on checks signed by the Mayor or the Commissioner-in-Charge and countersigned by the Auditor.

21.16.110 Portland Water Bureau May Contract for Collection of Revenues.

The Commissioner-in-Charge of the Portland Water Bureau and the Auditor may contract with collection agencies to collect water revenue using standard City contracting practices. These contracts may last up to five years.

Contracts allow for the collection agencies to be paid to collect revenue and may cover certain expenses related to revenue collection.

The contracts must require that a bond be furnished by the collection agent or the City, at the City's option.

21.16.120 Collections, Adjustments and Refunds.

A. The Portland Water Bureau calculates charges and bills ratepayers every month, every other month or every quarter, as requested by the customer.

B. The Portland Water Bureau is responsible for receiving, adjusting and refunding ratepayer money. The Portland Water Bureau must make sure that charges and credits are updated in ratepayers' accounts.

The Portland Water Bureau may adjust bills, pay refunds or waive fees and charges.

To make an adjustment, the Portland Water Bureau must either credit or charge an account.

C. The Portland Water Bureau may authorize an adjustment (a charge or credit) after a billing error. The Portland Water Bureau may only adjust bills within three years after the Portland Water Bureau became aware of the error.

An account is eligible for this kind of adjustment as long as it is active, or for 6 months after the Portland Water Bureau issues a final bill. The Annual Rates Ordinance describes the threshold for refunds.

D. Ratepayers (typically the property owner or tenant) must inform the Portland Water Bureau if the person responsible for paying the bill changes. If the Portland Water Bureau needs to bill a person other than the current customer or ratepayer, the Portland Water Bureau will reissue the bill from the date the new person became responsible. Refer to Section 21.16.030.

E. The Portland Water Bureau may create administrative rules with the Bureau of Environmental Services regarding adjustments, refunds or waivers of sanitary sewer and stormwater management charges.

21.16.130 Adjustments on Account of Leaks.

Bill adjustments after leaks. The Portland Water Bureau may reduce a bill that was high because of a leak. To get a leak adjustment, the ratepayer must take the following steps after being notified of high usage:

A. Find the leak and start repairs within 30 days or shutoff water to the leak area; and,

B. Finish repairs within 90 days or keep water shutoff to the leak area.

21.16.140 Authority to Estimate Bills.

If the meter is not working or is unreadable the Portland Water Bureau may charge based on the property's past water use. The Portland Water Bureau may estimate bills if:

A. The meter does not register accurately; or,

B. The meter reader may not have access the meter. This may happen because of inclement weather, something blocking the meter, an inability to find the meter or illegal water use bypassing the meter.

21.16.150 Testing Meters.

A. If a ratepayer requests that the Portland Water Bureau check the accuracy of the water use reported on their bill, the Portland Water Bureau will reread the meter and inspect the service for leaks.

If the ratepayer requests that the Portland Water Bureau test the meter, the ratepayer must submit a deposit to cover the test cost. The cost of the test is in the Annual Rates Ordinance.

B. If the meter registers 3 percent or more higher than actual water flow, the Portland Water Bureau must refund the deposit, estimate how much the ratepayer has been overbilled and issue a credit. The credit may appear on the current bill or the most recent bill. The Portland Water Bureau will also repair or replace the meter.

C. If the meter registers within 3 percent of actual water flow, the Portland Water Bureau will keep the deposit.

21.16.160 Service Installation Fees.

Service installation fees may be paid on a fixed price basis if identified in the Annual Rates Ordinance.

For service installations not listed in the Annual Rates Ordinance, the Portland Water Bureau charges its costs for the project plus overhead based on the Site Specific Fee Statement. Also refer to City Code, Title 5.

The Site Specific Fee Statement provides an applicant with the following choice:

A. Fixed fee, with no reconciliation; or,

B. Pay estimate, the Portland Water Bureau reconciles. The Chief Engineer determines that the actual cost of installation will be different than the charges in the site specific fee estimate. The Chief Engineer determines the amount to be paid or refunded after construction and then:

1. If the actual cost is higher than the estimated cost, the applicant must pay the Portland Water Bureau the difference.

2. If the actual cost is lower than the estimated cost, the Portland Water Bureau must refund the applicant the difference.

3. The applicant may appeal to the Administrator. The Administrator's decision is final.

If there is an existing service with a meter, either a service-branch or service-curb, the applicant must pay the applicable charges. Refer to Section 21.16.170.

21.16.170 System Development Charge.

Anyone applying for a new service connection or a larger existing connection must pay a System Development Charge (SDC). SDCs are listed in the Annual Rates Ordinance.

Credit from an existing service may only be applied to a new service if the existing service is removed when the new service is installed.

Services where SDC's are waived:

A. Fire protection

B. Affordable housing

C. Temporary

D. Mass shelter

E. Short-term housing

F. Certain types of accessory dwelling unit

For SDC exemptions refer to City Code Section 30.01.095 (affordable housing); Portland City Code Section 21.12.090 (temporary service); and City Code Section 17.14.070 (certain types of housing).

21.16.180 Water Connection Assistance.

The City may provide water connection assistance to eligible property owners or tenants with separate meters based on criteria established each year in the Annual Rates Ordinance. The Administrator may adopt administrative rules and procedures necessary to implement the water connection assistance criteria described in the Annual Rates Ordinance.

The City may give payment deferrals and loans to property owners or tenants for water System Development Charges. The Administrator may adopt administrative rules and procedures for these deferrals and loans.

21.16.190 Charges for Water Used Through a Fire Protection Service.

The Portland Water Bureau may not charge for water used to extinguish a fire.

For pressure testing a fire protection system, the Portland Water Bureau charges based on either the amount of water used (if there is a meter) or an estimate (if there is no meter).

For flow testing, the Portland Water Bureau requires the tester to use a meter and charges based on the amount of water used.

The City does not normally charge sewer fees for fire protection system testing. However, if the testing uses enough water to have a measurable impact on the sewer system, the City may also charge for sewer.

Fire service testing must be done carefully so that it does not interfere with the water system. Anyone testing a fire service must follow these rules:

A. Flow testing must not reduce the pressure in the main to less than 50 percent of the maximum static pressure.

B. Flow testing must not reduce the pressure in the main below 30 psi.

C. Before testing large flows, the tester must consult with the Portland Water Bureau. Together, the tester and the Portland Water Bureau must determine flow limits and make a plan for limiting impacts to the water system.

If a fire service is repeatedly tested in a way that violates Portland Water Bureau policy or affects the system more than the Portland Water Bureau allows, the Portland Water Bureau will reclassify the type of service and collect a System Development Charge.

21.16.200 Charges for Unauthorized Use Service – Fire.

A. A service - fire is only for extinguishing fires and testing the fire system and may not be used for domestic, maintenance or irrigation water. Refer to Section 21.12.220.

B. The Portland Water Bureau may fine a person for unauthorized service-fire line use. The Portland Water Bureau charges more for each use of unauthorized water through a service-fire line. If unauthorized use continues, the Portland Water Bureau installs a meter and bills the property owner for the full cost of the meter, its installation and System Development Charges. Refer to Annual Rates Ordinance for more information on service-fire line charges.

21.16.220 Billing and Collection for Others by Contract.

Portland City Council may create contracts for the Portland Water Bureau to bill and collect for other public and private entities. When the Portland Water Bureau collects for another entity, it deposits the revenue in a separate account.

CHAPTER 21.20 - TURNING ON OR SHUTTING OFF

Sections:

21.20.010 Application to Turn On Water.
21.20.020 Requesting Temporary Shutoff.
21.20.030 Unlawful to Turn On Water Without Authority.
21.20.040 Charges for Service Pipes Connected Without Portland Water Bureau Approval.
21.20.050 Authority to Shut Off Service.

21.20.010 Application to Turn On Water.

An application signed by the property owner, tenant or authorized agent of the property involved must be filed before it may become effective.

21.20.020 Requesting Temporary Shutoff.

A property owner or tenant may request a temporary stop in water service by calling or emailing the Portland Water Bureau Customer Service.

A property owner or tenant may request a temporary stop in fire service by sending the Portland Water Bureau a written request. Fire service shutoff must be approved by Portland Fire & Rescue.

Base charges continue to accrue during temporary shutoffs.

21.20.030 Unlawful to Turn On Water Without Authority.

It is unlawful to use (or allow someone to use) water service that the Portland Water Bureau has shut off or not yet activated.

If water is turned on without Portland Water Bureau approval, the Portland Water Bureau may shut the water off and enforcement actions may be taken against the violators.

If the Portland Water Bureau shuts off service (by removing the meter or shutting water off at the main), the property owner, tenant or person responsible for payment must pay to restore the service. The Annual Rates Ordinance shows fees for restoring service.

The Portland Water Bureau will not turn water back on until the charges have been paid.

21.20.040 Charges for Service Pipes Connected Without Portland Water Bureau Approval.

If a service pipe is connected without a permit, the Portland Water Bureau may charge for service and the Administrator may order the service to be shut off. The water must not be turned on again until all charges have been paid. Where a service is required to be equipped with backflow protection, the service must not be activated until adequate backflow protection has been installed, tested and inspected by the Portland Water Bureau. This is true even if rates and charges for the service have been paid.

21.20.050 Authority to Shut Off Service.

The Portland Water Bureau may shut off service:

A. To fix or maintain the water system or necessary to protect the water system;

B. If charges are unpaid;

C. Service was turned on unlawfully; or,

D. If the property is not compliant with backflow prevention requirements.

The Portland Water Bureau is not responsible for property damage caused by a shutoff. Damage may include bursting boilers, breaking pipes or fixtures or problems arising from interruption of the water supply.

CHAPTER 21.24 - RULES AND REGULATIONS

Sections:

21.24.020 Fire Hydrants.
21.24.030 Naval Vessels Accessing Water.
21.24.040 Access to Premises for Inspection.
21.24.050 Unlawful to Damage, Alter or Tamper with Water Property.
21.24.070 Impairment of Service to Other Properties.
21.24.080 Administrative Rules, Procedures and Forms.
21.24.090 Enforcement.

21.24.020 Fire Hydrants.

A. Who may use fire hydrants. Employees of the Portland Water Bureau and Portland Fire & Rescue can use fire hydrants for their work. Other persons must apply for a permit to use a fire hydrant.

It is unlawful to operate, change, remove, disconnect, connect to or interfere with a City fire hydrant without Portland Water Bureau permission. The Annual Rates Ordinance includes penalties for unauthorized fire hydrant use.

B. The Portland Water Bureau issues temporary and annual fire hydrant permits. A temporary permit lasts up to 90 days; an annual permit lasts up to one year. When a person applies for a permit, the person must bring a Chapman-type (slow-closing) gate valve. The Portland Water Bureau must tag the valve with a permit listing the person's name, the permit expiration date and the locations of fire hydrants the person is allowed to use.

C. Charges for permits and use are in the Annual Rates Ordinance.

D. The person who obtained the permit is responsible for following all City, state and federal rules, regulations and guidelines for using and disposing of water.

The Portland Water Bureau requires backflow protection for all fire hydrant use. The Chief Engineer must determine the type of backflow protection necessary.

For more about temporary permits refer to Section 21.12.090.

E. Fire hydrant Responsibility.

1. On public property in the City of Portland: The Portland Water Bureau installs and maintains fire hydrants (this could be in a right-of-way or an easement).

2. Outside city limits: If a person wants to connect a fire hydrant to Portland's water system outside city limits, they must pay for installation. The Portland

Water Bureau will connect the hydrant to the water system, own and maintain it.

3. On private property: The property owner installs and maintains any private fire hydrant and fire protection systems. The property owner must meet Portland Fire & Rescue and plumbing code requirements.

21.24.030 Naval Vessels Accessing Water.

The Portland Water Bureau is authorized to furnish water to any visiting naval vessel that docks in the city, without payment. All such connections require an approved backflow prevention assembly.

21.24.040 Access to Premises for Inspection.

To the full extent permitted by law, employees of the Portland Water Bureau may enter buildings and premises to inspect the condition of the water pipes and plumbing fixtures to determine whether cross connections or other hazards exist to the water systems and the manner in which the water is being used. Whenever the property owner refuses access to authorized Portland Water Bureau employees from making such necessary inspections, water service may be refused or discontinued.

21.24.050 Unlawful to Damage, Alter or Tamper with Water Property.

It is unlawful for any person to willfully damage, connect to, operate, alter or otherwise tamper with any water main, service, meter, meter box, hydrant, valve or any other facility owned or operated by the Portland Water Bureau.

21.24.070 Impairment of Service to Other Properties.

Some properties use water only intermittently, which may cause fluctuations in volume and pressure for other properties or tenants. The Portland Water Bureau may require a property owner to buy and install equipment that limits volume and pressure fluctuation to protect other properties, tenants and the public water system.

This may also mean that the property owner needs to buy and install a Portland Water Bureau-approved backflow prevention assembly.

21.24.080 Administrative Rules, Procedures and Forms.

A. The Administrator may adopt, amend and repeal administrative rules, procedures and forms pertaining to matters within the scope of this Title and consistent with the provisions of this Title.

B. Adoption, amendment or repeal of a rule pursuant to this Section requires a public review process followed by the public hearing. Notice must be published in a newspaper of general circulation in the Portland metropolitan area and other targeted media 30 days before the public hearing. The notice must include the place and time of any public meeting on the proposal, the description and purpose of the proposal, the location at which copies of the full text of the proposal may be read or obtained, and the name of the person at the Portland Water Bureau to whom written comments or questions about the proposal may be directed.

C. Thirty days after public notice, a public hearing will be held, and the Administrator must record and post oral and written testimony concerning the proposed rule(s) given at the public hearing. The Administrator may establish and limit the matters to be considered at the hearing, prescribe procedures for conduct of the hearings, hear evidence and preserve order. The Administrator may continue any such hearing to another date.

D. After considering comments received during the public review process and other relevant matters, the Administrator, taking into consideration the comments received during the hearing, must adopt, modify or reject the proposal.

E. Unless otherwise stated, all rules are effective upon adoption by the Administrator of the Portland Water Bureau and must be filed in the office of the Administrator of the Portland Water Bureau and in the Portland Policy Documents repository described in Portland City Code Chapter 1.07. Notice of the adopted rule(s) must be posted online on the Portland Water Bureau's website with a hyper link to the official link in the City's Auditor's website for adopted Administrative Rules within 14 days of adoption.

F. Notwithstanding Paragraphs B. – E. of this Section, an interim rule may be adopted without prior notice or public process when the Administrator finds that failure to act promptly may result in serious harm to the water system or to the public interest. Any rule adopted pursuant to this paragraph must be effective for no longer than 365 days.

21.24.090 Enforcement.

Any person who does not follow the rules in Title 21 is subject to City of Portland enforcement.

A. Violations.

1. A violation occurs when a person does not comply with a requirement or prohibition of Title 21 (or rules adopted as described in Section 21.24.080).

2. Each violation is separate. The Portland Water Bureau may issue one enforcement action per violation per day.

B. Enforcement. In enforcing any of the requirements or prohibitions of Title 21 of Portland City Code or rules adopted under Section 21.24.080, the Administrator may:

1. Issue warning notices.

2. Issue notices of violation and orders to comply.

3. Institute an action before the Code Hearings Officer.

4. Impose civil penalties, in an amount not to exceed $500 per day or as specified elsewhere in Title 21 or the Annual Rates Ordinance. Penalties are imposed for each day a violation continues to exist against any individual or business that does not comply with the provisions of this Title.

5. Order the installation of facilities required by this Title as a condition of providing water service.

6. Terminate water service.

C. A property owner or tenant may appeal the Administrator's action within 30 days of the date the notice of enforcement is mailed, in accordance with procedures and timelines set out in Title 22 of Portland City Code. Such an appeal must include a copy of the action that is the subject of the appeal, must state the basis for the appeal and must be filed with the Code Hearings Officer and the Portland Water Bureau.

Exception: If enforcement is related to inadequate backflow protection, the Portland Water Bureau may not issue a waiver or variance. Refer to Oregon Administrative Rule 333, City Code Title 22 and Chapter 21.12.

CHAPTER 21.28 - OUTSIDE CITY SERVICES AND WHOLESALE DISTRIBUTORS

Sections:

21.28.010 Individual Water Services Outside the City Limits.
21.28.020 Water Supply to Wholesale Distributors by Water Sales Agreement or Contract.

21.28.010 Individual Water Services Outside the City Limits.

A. The Portland Water Bureau may supply water outside Portland city limits. The Portland Water Bureau reviews applications for these types of services to make sure they meet state law and water system standards.

Customers inside and outside Portland city limits follow the same Portland City Code and Portland policy rules.

The Administrator may make other reasonable conditions for these services.

B. Outside City limits, the property owner or ratepayer must install a water service line and meter that meet Portland Water Bureau engineering and technical standards. The Portland Water Bureau specifies where these must be installed. Some properties also require an approved backflow prevention assembly. Sections that provide information about services, meters and backflow prevention are:

1. Section 21.12.010 (rules for services)

2. Section 21.12.270 (rules for meters)

3. Section 21.12.320 (rules for backflow prevention)

C. Applicants applying for an individual service connection outside the city limits must acknowledge in writing that the service is under a special contract or agreement. The rate for service outside city limits is listed in the Annual Rates Ordinance.

The Administrator may reduce or discontinue this service for any reason, including when the Portland Water Bureau requires less water to be used during a water shortage or emergency.

The contract or agreement specifies that if the Portland Water Bureau needs to discontinue service under normal circumstances, the Administrator must give written notice at least 60 days before the service is discontinued. In an emergency or water shortage, less notice may be given. The notice is delivered at the property and at the last known address of the ratepayer.

Refer to water curtailment: City Code Section 21.32.010.

D. The Portland Water Bureau may temporarily suspend the delivery of water at any time for the purpose of making repairs or improvements to its system.

E. In an emergency, the Portland Water Bureau may need to ration water to satisfy ratepayers' diverse needs, considering:

1. Public health and safety.

2. Equity.

3. Contractual obligations.

21.28.020 Water Supply to Wholesale Distributors by Water Sales Agreement or Contract.

Subject to contractual obligations, the Portland Water Bureau may temporarily suspend the delivery of water for the purpose of making repairs or improvements to its system, and, during an emergency, the Portland Water Bureau may ration the available water supply considering:

A. Public health and safety.

B. Equity.

C. Contractual obligations.

The Mayor and Commissioner-in-Charge of the Portland Water Bureau may authorize water sales agreements or contracts for wholesale supply. The Portland Water Bureau may supply wholesale distributors inside and outside Portland city limits.

Wholesale services must be equipped with a minimum of a double-check valve assembly. This valve must be installed immediately downstream of the Portland Water Bureau service connection. Refer to Code Chapter 21.12 for backflow information.

CHAPTER 21.32 - WATER CURTAILMENT POLICY

Sections:

21.32.010 Water Curtailment Policy.

21.32.010 Water Curtailment Policy.

A. The Administrator may require that all water users curtail water.

In consultation with the Mayor and Commissioner-in-Charge, the Administrator may require curtailment when:

1. The City has a water shortage or an imminent water shortage; or,

2. An emergency threatens the water supply.

B. Before requiring curtailment, and to determine how much the community must reduce water use, the Administrator must consider:

1. Public health and safety;

2. Equity;

3. Community economic conditions;

4. Water system financial and operational needs; and,

5. Contract obligations to wholesale providers.

C. To establish the curtailment program, the Administrator may adopt, amend or rescind rules, procedures and forms, consistent with this Section. The Administrator may issue fines or other penalties to enforce curtailment rules, per Section 21.24.090.

Refer to Section 21.24.080.

CHAPTER 21.35 - WELLHEAD PROTECTION

Sections:

21.35.010 Wellhead Protection Authorities.
21.35.020 Storage, Handling, Use and Transportation of Hazardous Materials - Reporting.
21.35.030 Storage, Handling, Use and Transportation of Hazardous Materials - Standards.
21.35.040 Storage, Handling, Use and Transportation of Hazardous Materials - Inspections.
21.35.050 Storage, Handling, Use and Transportation of Hazardous Materials - Certificates of Inspection.
21.35.060 Enforcement.
21.35.080 Building and Site Permit Review and Approval.
21.35.090 Rulemaking.

21.35.010 Wellhead Protection Authorities.

A. The Portland Water Bureau may designate wellhead protection areas in order to regulate the storage, handling, use and transportation of materials that could contaminate groundwater. The Portland Water Bureau delineates the boundaries of wellhead protection areas based on the best available information about the dynamics of the aquifers that existing and future wells tap, the time of travel of hazardous materials and other relevant factors. The Portland Water Bureau publishes a map of all designated wellhead protection areas and make the maps available to the public and to residences and businesses within the wellhead protection areas. The Portland Water Bureau may alter the boundaries of a wellhead protection area when the information that the boundaries are based on changes. Changes to a wellhead protection area are made by administrative rules per Section 21.24.080.

B. The Portland Water Bureau may designate materials as hazardous and promulgate reference manuals establishing standards for their storage, handling and transportation within wellhead protection areas. The Reference Manuals are adopted and modified as administrative rules per Section 21.24.080.

C. The Portland Water Bureau may enter into interagency agreements with Portland Fire & Rescue or other City bureaus to enforce standards, inspect premises, issue certificates of inspection or otherwise administer this Chapter.

21.35.020 Storage, Handling, Use and Transportation of Hazardous Materials - Reporting.

A. The Portland Water Bureau may designate materials as hazardous and to require all persons or businesses possessing or using hazardous materials within the wellhead protection area to make regular reports to the Portland Water Bureau stating:

1. The types and quantities of hazardous materials stored, handled, used or transported;

2. The storage and containment provisions for hazardous materials; and;

3. Related information, including, but not limited to, a site plan indicating the location of hazardous materials manufactured, generated, stored or used, information indicating the locations of drains, capacities of containment systems, drainage utility shutoff and topographical information.

When the Portland Water Bureau establishes reporting requirements, persons or businesses must submit required information to the Portland Water Bureau in accordance with the schedule established in the Reference Manual. When another City bureau is designated to receive reports on behalf of the Portland Water Bureau, and if it is deemed practical by both City bureaus, reporting requirements and reports may be combined.

B. Failure to submit a complete report within the timeframe established in the Reference Manual constitutes a violation and is subject to enforcement per Section 21.35.050.

21.35.030 Storage, Handling, Use and Transportation of Hazardous Materials – Standards.

A. Standards for the storage, handling, use and transportation of hazardous materials are contained in the Well Field Wellhead Protection Program Reference Manual, adopted and updated as administrative rules per Section 21.24.080. The Portland Water Bureau may adopt rules to set or amend standards, including the standards found within the Reference Manual, for the storage, handling, use and transportation of hazardous materials that may be used within the wellhead protection area. The Portland Water Bureau may set standards on designation of materials as hazardous to groundwater quality; on storage, handling, use, transportation and containment of such materials both inside and outside structures, including equipment or devices for preventing and controlling spills or releases of such materials beyond containment vessels; and other matters necessary for the purpose of implementing this Chapter. Rules adopted under this Chapter are in the Reference Manual.

B. Businesses and individuals not in compliance with the standards set by this Chapter or the Reference Manual as adopted or amended must bring their operations into compliance with applicable standards in accordance with the schedule established in the Reference Manual.

C. Nothing in this Chapter exempts any person from City Code enforcement actions or the requirements of City Code Title 17.

21.35.040 Storage, Handling, Use and Transportation of Hazardous Materials – Inspections.

A. The Portland Water Bureau may conduct inspections of businesses that store, handle, use or transport hazardous materials to determine compliance with the

standards of this Chapter, including, but not limited to, the types, quantities and locations of hazardous materials, primary and secondary containment facilities and the existence of spill prevention and spill control equipment or devices. For purposes of using this authority, the Portland Water Bureau must consider the necessary qualifications for inspectors and define the frequency, priority and type of inspection of businesses based on the degree of risk to water quality in the well field, history of violations, characteristics of the use and the availability of budgeted funds and staff, and other relevant factors.

B. Inspections may be initiated as the result of a complaint or referral when the Portland Water Bureau has reason to believe there is a violation, or as defined by a routine schedule for compliance. Inspections and a reinspection determine if an operation is in compliance with this Chapter.

C. Inspections may involve a review of equipment, structures and operating practices; records or plan review; interviews with operators; and photo documentation. Businesses must allow representatives of the Portland Water Bureau, upon presentation of credentials, to:

1. Inspect at reasonable times the facilities, equipment, practices or operations regulated or required under the provisions of this Chapter.

2. Enter the premises where hazardous materials are being managed, or where records may be kept under the provisions of this Chapter. The property owner/operator must make necessary arrangements to allow access without delay.

3. Have access to and copy, at reasonable times, any records that must be kept under the provisions of this Chapter.

D. If a business refuses or declines to allow an inspection or reinspection under Subsection 21.35.040 C., the Portland Water Bureau may seek an administrative warrant from Multnomah County Circuit Court to conduct such inspection or reinspection.

E. After inspection and upon finding that all standards of this Chapter have been met, the Portland Water Bureau must issue a Certificate of Inspection to each business inspected under this Chapter, as provided in Section 21.35.050.

F. In the event an inspection reveals a violation of the standards of this Chapter that may not be resolved or corrected during the course of the inspection, the Portland Water Bureau must follow the procedures in Section 21.35.060, as applicable.

G. Subject to Portland City Council approval, the Portland Water Bureau may enter into contracts with private entities or intergovernmental agreements with other municipal corporations for inspections in those portions of the wellhead protection area outside the City of Portland boundaries.

21.35.050 Storage, Handling, Use and Transportation of Hazardous Materials – Certificates of Inspection.

A. A Certificate of Inspection is valid until a subsequent inspection or review, or until it is revoked.

B. The valid Certificate of Inspection must always be kept on the premises and be available for review by Portland Water Bureau personnel or other authorized City personnel.

C. A Certificate of Inspection contains the following information:

1. The address of the occupancy or facility, including exterior space utilized for storage, handling, use or transportation of hazardous materials;

2. The name and address of the person or business occupying the facility; and

3. A statement that the described occupancy complies with the applicable regulations and policies.

D. The issuance of a Certificate of Inspection does not suspend the applicability of any water regulations.

E. The Certificate of Inspection is issued to the business property owner/operator for the existing use at the location specified in the Certificate. It is not transferable.

F. If interagency agreements are made to enforce standards, and if circumstances make it practical, the Certificates of Inspection issued under this Chapter may combined with any certificates of inspection or equivalent issued by the City bureau enforcing this Chapter.

21.35.060 Enforcement.

A. Violations. It is a violation to store, handle, use or transport hazardous materials in a manner contrary to the standards set by the Portland Water Bureau.

B. Warning letter.

1. The Portland Water Bureau may issue a Warning Letter that informs an individual or business of a violation and the consequences of the violation or continued noncompliance. The letter may state the actions required to resolve the violation and may specify a reasonable time by which compliance is to be achieved.

2. As part of a Warning Letter, depending on the number or gravity of violation(s), the Portland Water Bureau may require an individual or business to prepare and submit a compliance plan that establishes a reasonable timeframe for correcting the violation(s) or the implementation

of alternative storage, handling, use, transportation or containment practices that satisfy the standards of this Chapter. A compliance plan is subject to review and approval of the Portland Water Bureau or a designated City bureau.

C. Orders to cure violations, civil liability, nuisances.

1. When a person or business fails to come into compliance in the time specified in a warning letter, or within a timeframe established in an approved Compliance Plan, the Portland Water Bureau may issue an order to cure the violation and establish a final date for resolving the violation, after which the penalties in Subsections 21.35.060 D. and E. may be applied. Failure to comply with an order to cure is a violation of law.

2. When the Portland Water Bureau finds that there is an imminent danger of a release of hazardous materials into the environment resulting from the violation of standards in this Chapter, the Portland Water Bureau may declare that a nuisance exists and may issue, without notice, an order to cure requiring immediate action to be taken to halt any activity causing such imminent danger, and directing the individual or business to take steps to correct any conditions contributing to the danger immediately.

3. If the individual or business subject to an order to cure does not comply with the order, the Portland Water Bureau may:

a. Revoke a Certificate of Inspection;

b. Order the person or business to cease the storage, handling, use or transportation of hazardous materials that are the subject of the violation until the violation is corrected;

c. Issue a Civil Penalty pursuant to Subsection 21.35.060 D.; and/or,

d. Undertake to correct any conditions contributing to the imminent danger of a release of hazardous materials into the environment. The costs of such action may be charged to the person or business subject to such order.

4. The person or business subject to an order to cure may appeal the order under City Code Subsection 31.10.080 C. in the same manner that an order of the Fire Marshal may be appealed. The Fire Code Board of Appeals handle appeals as provided in the Fire Code, except that the Fire Code Board of Appeals may not grant variances or adjustments under City Code Section 31.10.080.

5. When hazardous material is released as a result of a violation, or as a result of a failure to correct a violation, the person or business responsible is liable for all costs incurred by the City associated with cleaning up the release and

all costs of any other City action reasonably determined to be necessary by the City to contain, control or clean up the release or to protect the well field from contamination.

D. Civil penalty.

1. In addition to any other fee or civil liability provided by law, the Portland Water Bureau may impose a civil penalty in an amount not to exceed $500 per day, or two times the reinspection fee that would otherwise have been collected, whichever is greater, for each day a violation continues to exist against any person or business who does not comply with the provisions of this chapter. Each failure to comply with a separate regulatory standard is a separate violation.

2. Any civil penalty imposed is due and payable when the person or business incurring the penalty receives a notice in writing from the Portland Water Bureau or designated City bureau. The notice referred to in this Subsection must be sent by registered or certified mail and includes:

a. A reference to the particular Chapter or Code Section or Reference Manual involved;

b. A short and plain statement of the matters asserted or charged;

c. A statement of the amount of the penalty or penalties imposed; and,

d. A statement of the right of the person to request a hearing.

3. The property owner, person or operator of a facility who is ordered to pay a civil penalty in accordance with this Chapter has the right to appeal the imposition of or amount of the penalty as provided by Portland City Code Subsection 31.10.080 C. in the same manner that an order of the Fire Marshal may be appealed. The Fire Code Board of Appeals handles any such appeals as provided in the Fire Code, except that the Fire Code Board of Appeals may not grant variances or adjustments under Portland City Code Subsection 31.01.080 C.5.

E. Legal action. The City may bring an action in a court of proper jurisdiction, including the Circuit Court of Multnomah County and the Federal District Court for the District of Oregon, to enforce any order to cure issued under this Chapter, collect any penalty assessed under this Chapter or recover any costs incurred under Subsections 21.35.060 C.3. and 5.

F. **Reinspection fees**.

1. Any person or business found in violation of law or any order under this Chapter who fails to correct such violation or comply with such order within 30 days after receiving written notice from the Portland Water Bureau to do

so, is required to pay a reinspection fee equivalent to the Hazardous Materials Permits reinspection fees in the current Portland Fire Regulations Fee Schedule as adopted by Portland City Council.

2. Reinspection fees are in addition to any fees adopted per Section 21.24.080. Any person or business charged a reinspection may appeal such charges per City Code Subsection 31.10.080 C. in the same manner that an order of the Fire Marshal may be appealed. If the Portland Water Bureau enforces this Chapter through interagency agreement with Portland Fire & Rescue or another City bureau, the fees charged by that City bureau are in lieu of the fees described in this paragraph.

21.35.080 Building and Site Permit Review and Approval.

All applications for City building permit or other permit for site alterations, construction, building alterations, repairs or other work involving or affecting the storage, handling, use, transportation or containment of hazardous materials must be reviewed and approved by the Portland Water Bureau or other City bureau(s) to whom this function has been designated through interagency agreements, prior to issuance. The Portland Water Bureau may approve permits when finding that the activity proposed conforms with this Chapter and rules adopted under this Chapter. Such Plan reviews are conducted per City of Portland rules and practices for development review.

21.35.090 Rulemaking.

Administrative rules are adopted, amended and repealed pursuant to Section 21.24.080.

CHAPTER 21.36 – BULL RUN WATERSHED PROTECTION

Sections:

21.36.010 Designation of Bull Run Watershed Closure Area.
21.36.020 Prohibition of Unauthorized Entry.
21.36.030 Prohibited Actions Within the Bull Run Watershed Closure Area.
21.36.040 Enforcement.
21.36.050 Bull Run Watershed Protection Policy.

21.36.010 Designation of the Bull Run Watershed Closure Area.

Pursuant to authority granted by ORS 448.295 to ORS 448.325 and the Portland City Charter, there is hereby designated a Bull Run Watershed Closure Area (Closure Area) within which the limitations and restrictions of this Chapter 21.36 of the Portland City Code will apply.

The Closure Area consists of all land, regardless of ownership, shown on the map of record dated October 2014 titled: "Portland City Code Chapter 21.36, Bull Run Watershed Closure Area" and attached to Ordinance No. 186839 as Exhibit B. The map has been created, will be maintained, and will be made available for public review by the Portland Water Bureau.

The City of Portland owns portions of the land within the Closure Area. City Code that affects City land within the Closure Area must conform with federal and state law, federal and state administrative policy and tribal treaty rights, if any.

In this Chapter:

A. Sections 21.36.020 through 21.36.040 apply to all land within the Closure Area (unless otherwise noted).

B. Section 21.36.050 applies only to City land within the Closure Area.

21.36.020 Prohibition of Unauthorized Entry.

It is unlawful for any person to enter into or be upon land within the Closure Area without permission or a valid entry permit. The Portland Water Bureau will post suitable signs of this limitation at all points of road entry into the Closure Area and at such other locations along the boundary of the Closure Area as it deems advisable.

The following categories of people may enter the Closure Area:

A. Authorized employees of the U.S. Forest Service, Bureau of Land Management and Portland Water Bureau;

B. Authorized federal, state, and local government officers and employees thereof acting in an official capacity;

C. Contractors with a valid entry permit issued by the U.S. Forest Service, Bureau of Land Management or Portland Water Bureau; and,

D. People meeting any of the following exceptions which do not require an entry permit:

1. Hikers on:

a. The Pacific Crest National Scenic Trail (#2000)

b. The Huckleberry Trail (#617)

c. The Oneonta Trail (#424)

2. People performing official work as law enforcement, City-directed utility maintenance, or emergency response personnel; or,

3. People entering the watershed accompanied by authorized employees of the U.S. Forest Service, Bureau of Land Management or Portland Water Bureau.

The Administrator will designate those Portland Water Bureau employees who may access the Closure Area. The Administrator can authorize employees to enter the Closure Area or to issue entry permits, or both.

21.36.030 Prohibited Actions Within the Bull Run Watershed Closure Area.

It is unlawful to engage in any activities in the Closure Area that are not authorized by:

A. An entry permit; or,

B. An employee of U.S. Forest Service, Bureau of Land Management or Portland Water Bureau authorized to work in the Closure Area or issue permits for others to enter the Closure Area.

It is unlawful for any person to permit domestic animals to run at large within the Closure Area. Domestic animals are not allowed on City lands in the Closure Area.

21.36.040 Enforcement.

A. Violation of Sections 21.36.020 or 21.36.030 on land owned by the federal government within the Closure Area is punishable upon conviction by a fine or imprisonment as a Class C Misdemeanor pursuant to ORS 161.615 and 161.635 in accordance with ORS 448.305(3). Each unlawful act is chargeable as a separate violation for each occurrence. (Entry into federal land within the Closure Area is also a violation of 18 USC §1863, which carries punishments of imprisonment up to 6 months and fines up to $5,000.)

B. Violation of Sections 21.36.020 or 21.36.030 on land owned by the City lying within the Closure Area is punishable upon conviction by a fine or imprisonment as a Class C Misdemeanor pursuant to ORS 161.615 and 161.635 in accordance with ORS 448.305(3). Each unlawful act is chargeable as a separate violation for each occurrence.

C. The Administrator may appoint Portland Water Bureau employees as Closure Area enforcement officers as provided for in ORS 448.315 to enforce Sections 21.36.020 and 21.36.030. Prior to assuming duties, each employee designated as a Closure Area enforcement officer will take an oath of office specified by the Administrator. While on duty, the employees authorized to enforce this Code will wear in plain sight a badge as required by ORS 448.315. Appointment by the Administrator as a Closure Area enforcement officer will also make the employee appointed a "person in charge" of City property within the Closure Area for purposes of Portland City Code Section 5.36.115 and grant the employee authority to order persons to leave City property.

D. Closure Area enforcement officers will have the authority to order people to leave the Closure Area, and to issue citations for Code violations.

E. The Circuit Courts of Multnomah County, Clackamas County and Hood River County have jurisdiction to try and determine any prosecution for Closure Area code violations within their counties.

F. The Administrator may also pursue enforcement of any violation of Sections 21.36.020 or 21.36.030, pursuant to Section 21.24.090.

21.36.050 Bull Run Watershed Protection Policy.

A. In general, the City's primary purpose for City lands and facilities within the Closure Area will be the continued production of clear, raw, potable water for municipal use. The City will accomplish this in part through enforcement of protections for the source water, which include general prohibitions on human entry and activities such as tree cutting and grazing.

The City manages its land for other purposes only if those purposes are consistent with the primary purpose of protecting the water supply. Subject to the limitations of Subsection 21.36.050 B., management for other purposes is allowed, only if such management is consistent with the accomplishment of the primary management purpose, consistent with the special forest protection standards of adjacent federal lands found in the federal Bull Run Management Act, P.L. 95-200, as amended, and performed in compliance with obligations imposed by federal, state, and local law. Other allowed purposes include:

1. Generating hydroelectric power;

2. Transmission of electricity and telecommunications;

3. Protection and stewardship of the natural environment including fish and wildlife habitat;

4. Conservation education; and,

5. Scientific inquiry.

B. Specific Land Use Limitations.

City lands in the Closure Area must not be developed or used for recreational purposes. City lands in the Closure Area must not be developed or used for residential, industrial or commercial purposes, except if necessary to protect, enhance, operate or maintain the water supply and electrical power generation and transmission systems and facilities.

C. Tree Protection.

Tree cutting or removal, including salvage, will not occur on City lands within the Closure Area, except for the following purposes:

1. For the protection or enhancement of water quality;

2. For the protection, enhancement or maintenance of water quantity for City use;

3. For the construction, expansion, protection or maintenance of municipal water supply facilities;

4. For the construction, expansion, protection or maintenance of facilities for the transmission of energy through and over the Closure Area, hydroelectric facilities or hydroelectric projects associated with municipal water supply facilities; or,

5. For the protection of human life, safety or infrastructure.

D. Ownership of Land and Infrastructure in the Closure Area.

1. Within the Closure Area, City land and infrastructure integral to municipal water delivery must not be transferred to any private entity.

2. Within the Closure Area, City land and infrastructure integral to municipal water delivery must not be transferred to a public entity unless the transfer is approved by ordinance passed by Portland City Council.

E. Public Notice of Human Activity in the Closure Area.

1. Each calendar quarter, the Portland Water Bureau must publish a list of ongoing, routine activities it conducts, permits or allows inside the Closure

Area. This quarterly project list must include activities that involve people inside the Closure Area, such as:

a. Activities to divert, test or protect water for municipal supply or hydroelectric power generation;

b. Construction or maintenance of facilities, including roads and trails;

c. Educational or management tours; and,

d. Data collection for regulatory, management or scientific purposes.

2. The quarterly project list must also include:

a. All Portland Water Bureau capital projects inside the Closure Area. This applies to all projects in planning, design or construction phases.

b. All non-routine activities that involve or will involve people inside the Closure Area. This applies to City work and other City-sponsored activities, in planning, design and implementation phases.

3. The Portland Water Bureau must post the quarterly project list on its website, along with contact information for a bureau employee who will respond to questions about listed activities.

4. The Portland Water Bureau must also provide an opportunity for members of the public to request notice if amendments to the project list occur between the regular quarterly updates.

F. Public Notice and Comment.

1. The Portland Water Bureau must provide an opportunity for members of the public to comment on individual capital projects and/or non-routine projects identified on the quarterly project list. Members of the public who comment on an individual project will be considered a stakeholder for that project.

2. Project Impact Assessment. The Portland Water Bureau must provide an opportunity for members of the public to comment on a Project Impact Assessment as defined in Subsection 21.36.050 G.1. The Portland Water Bureau must notify the project's stakeholders and must post the Impact Assessment online. The public will have 30 calendar days to submit comments on the Impact Assessment.

3. Project Mitigation. During the project's design phase, the Portland Water Bureau must provide an opportunity for members of the public to comment on a Mitigation Summary as defined in Subsection 21.36.050 G.2. The

Portland Water Bureau must notify the project's stakeholders and must post the Mitigation Summary online. The public will have 30 calendar days to submit comments. The Portland Water Bureau must post a Response to Comments within 30 calendar days after the public comment period ends and must notify the commenters.

4. Exceptions. If exceptions to prohibitions in Subsections 21.36.050 H.4.g. or K. are approved for a project by the Administrator, the Portland Water Bureau must notify the project's stakeholders.

5. The Portland Water Bureau must provide an opportunity for members of the public to formally object to the Portland Water Bureau's analysis of environmental impacts for projects with significant impacts on the watershed, as identified in the project's Impact Assessment, Mitigation Summary and Response to Comments. Written objections must be submitted within 14 calendar days after the Portland Water Bureau's Response to Comments is posted online.

6. After consideration of the objection, the Administrator and Commissioner-in-Charge must sign a decision responding to the objection and the Portland Water Bureau must provide the decision to the objecting party.

7. A Portland Water Bureau decision on an objection to a project with significant impacts on the watershed may be appealed to Portland City Council. Appeals must be submitted within 14 calendar days of the bureau decision on the objection. A public hearing must be held prior to a City Council vote. A Portland City Council vote is the final decision on the appeal.

8. The Commissioner-in-Charge has discretion to extend comment period lengths defined in this Section for specific projects. Notice of extended comment periods must be provided to stakeholders.

9. For individual major City projects on City-owned land in the Closure Area subject to federal requirements of the National Environmental Policy Act, the Commissioner-in-Charge has discretion to require City comment, objection and appeal processes to complement the federal process.

10. Effective Date. Administrative rules to implement this Subsection must be adopted by December 31, 2021.

G. Project Impact Assessment and Mitigation Process.

1. Project Impact Assessment. The Portland Water Bureau must establish in administrative rules a methodology for assessing environmental impacts of capital and non-routine projects on City land in the Closure Area. The methodology must be adaptable to the varying type and scope of individual

projects must define criteria for determining what is a significant impact to the watershed and must define requirements for considering a reasonable range of alternatives to reduce and mitigate the level of environmental impact.

2. Project Mitigation. The Portland Water Bureau must establish in administrative rules a methodology for defining and summarizing project mitigation. The project's Mitigation Summary must include descriptions of how the project mitigation addresses, to the greatest extent practical, the applicable City, county, state and federal standards and requirements relevant to impacts to water quantity and quality, cultural resources, and the natural environment including soils, vegetation, and fish and wildlife and related habitat. Project-specific mitigation must enable compliance with applicable City, county, state and federal regulations and permits.

3. Bull Run Special Provisions. The Portland Water Bureau must incorporate relevant standards and requirements to avoid, then minimize and mitigate, common impact types into the Bull Run Special Provisions, including applicable components of Subsections 21.36.050 H., I., J. and K.

4. Effective Date. Administrative rules, and updated Bull Run Special Provisions, to implement this Subsection must be adopted by December 31, 2021.

5. Best Management Practices. The Portland Water Bureau must establish best management practices (BMPs), on an ongoing basis, to be employed in the implementation of ongoing routine programs and during emergency responses. The BMPs must avoid, then minimize and mitigate, impacts to City land in the Closure Area to the greatest extent practical. The BMPs must be consistent with, and at least as protective as, comparable BMPs on national forest land in the Bull Run Watershed Management Unit. BMPs must be documented in standard operating procedures. BMPs must enable compliance with applicable City, county, state and federal requirements and permits.

6. For major City projects in the Closure Area subject to federal impact assessment and mitigation requirements of the National Environmental Policy Act, the Commissioner-in-Charge has discretion to require a City impact assessment and mitigation process to complement the federal process.

H. Riparian Protection.

The City owns land next to streams, rivers and reservoirs inside the Closure Area. The Portland Water Bureau manages this land to protect water quality, riparian habitat and fish and wildlife.

1. The Portland Water Bureau must not allow construction of new structures within the following riparian reserves inside the Closure Area:

a. Within 420 feet (slope distance; based on height of two site-potential trees) of:

(1) Lakes, reservoirs, and ponds (420 feet surrounding);

(2) Fish-bearing streams (420 feet on each side of the stream for 840 total feet).

b. Within 210 feet (slope distance; based on height of one site-potential tree) of:

(1) Perennial non-fish-bearing streams (210 feet on each side of the stream, for 420 total feet);

(2) Intermittent or seasonal streams (210 feet on each side of the stream, for 420 total feet);

(3) Wetlands (210 feet surrounding); or,

(4) Geologically unstable or potentially unstable areas (210 feet surrounding).

2. The Portland Water Bureau may use site-specific analysis to differentiate riparian from upland characteristics and to modify the distances defined above in a. and b. for specific project sites. The modifications must be documented in riparian reserve protection plans, defined below in Subsection 21.36.050 H.5.

3. The Portland Water Bureau uses the National Hydrography Dataset and state and federal regulations to define and map wetlands and stream types.

4. Exceptions to Riparian Reserve Construction Prohibition. The following types of construction are allowed:

a. New or replacement facilities in an existing developed, paved or otherwise non-forested water supply operation area located within riparian reserves. This exception includes, but is not limited to:

(1) Headworks complex;

(2) Dams;

(3) Conduits;

(4) Inundated reservoirs;

(5) Conduit corridors;

(6) Power line corridors;

(7) Telecommunication sites; or,

(8) Hydroelectric plants.

b. New facilities that need to be in or near water to function. This exception includes, but is not limited to:

(1) Dams and dam-related structures (such as spillways and intake towers);

(2) Reservoirs;

(3) Boathouses;

(4) Boat ramps; or,

(5) Stations for monitoring water quality or gaging stream flow.

c. New water system infrastructure that needs to connect to (or be close to) new or existing facilities allowed in riparian reserves. This exception includes but is not limited to:

(1) Water supply conduits;

(2) Facility access roads and trails;

(3) Power lines and power line corridors; or,

(4) Telecommunication facilities.

d. Bridges, culverts and other road or trail infrastructure that crosses water.

e. Temporary structures (such as fences).

f. Emergency work to protect:

(1) Human life or safety;

(2) The watershed;

(3) The water supply; and,

(4) Infrastructure.

g. Any other exceptions must be approved by the Administrator.

5. Riparian Reserve Protection Plans.

For projects that repair, rehabilitate or replace existing or construct new facilities, assets or equipment in riparian reserves (including the exceptions in Section 21.36.050), the Portland Water Bureau must develop and implement a riparian reserve protection plan. The plan must identify measures or requirements for:

a. Fuel and other chemical storage and containment;

b. Spill containment and response;

c. Construction equipment staging;

d. Avoiding, then minimizing and mitigating, erosion, soil compaction, vegetation removal and terrestrial and aquatic habitat disturbance; and,

e. Protecting cultural resources.

I. Revegetation of City-Owned Land in the Closure Area.

1. If construction or maintenance work removes vegetation or exposes bare soil, the Portland Water Bureau must create a site restoration plan adapted to the scope of the project. The Portland Water Bureau must restore and revegetate the site according to the plan.

2. Routine facility repair and maintenance are exempt from revegetation requirements.

Routine work is exempt if:

a. Tree cutting is limited to exceptions listed in Section 21.36.050; and,

b. The project does not result in significant ground disturbance, as defined in Portland City Code Title 10.

Brushing roads, cleaning ditches, clearing power line right-of-way vegetation, clearing defensible space near facilities for fire prevention, clearing vegetation to meet federal dam safety requirements and mowing are examples of exempt work.

J. Stream Crossings and Passage for Aquatic Organisms.

The Portland Water Bureau manages culverts, bridges and other stream crossings on City-owned land in the Closure Area. The Portland Water Bureau manages

these crossings to maintain transportation access, maintain effective drainage during storms, and protect water quality and aquatic habitat.

1. New culverts, bridges and other stream crossings must be built and maintained to:

a. Accommodate at least a 100-year flood, including its bedload and debris. The structure opening must be at least as wide as the width of the stream at the ordinary high-water mark to prevent the structure from constricting the stream or accelerating its velocity at bank-full flow.

b. Maintain or improve fish passage wherever roads cross streams that have (or have historically had) populations of native migratory fish, in accordance with state and federal fish passage regulations.

c. To the extent practicable, provide passage for aquatic organisms at all life stages using stream simulation design methodology.

d. Prevent the diversion of streamflow out of its channel and down the road if a crossing fails.

2. Existing culverts and other stream crossings are required to meet the standards for new crossings when they are replaced.

3. The Portland Water Bureau must monitor and maintain new and existing stream crossing facilities so that they continue to meet the criteria in this Subsection.

K. Wet Weather Construction Restrictions.

The Portland Water Bureau manages ground-disturbing activities, as defined and described in Portland City Code Title 10, to protect water quality, forest resilience and fish and wildlife habitat during wet weather. Projects on City land in the Closure Area must meet Portland City Code Title 10 and Bull Run Special Provisions, as well as county, state and federal regulations about erosion control and in-water work.

1. Definitions associated to this Subsection include:

a. Wet season: October 15 to June 15.

b. Dry season: June 16 to October 14.

c. Wet weather: Periods of wet, rainy conditions that can occur during the wet season or dry season. Indices defining wet weather in the Closure Area are provided in Portland Water Bureau standard operating procedures.

d. Ground-disturbing activities: As defined in Portland City Code Title 10, any activity that exposes soil.

e. Bull Run Special Provisions: Portland Water Bureau standard contract specifications specific to the Bull Run Watershed Closure Area.

f. High-hazard activities: Activities that occur in an area that has high potential to deliver sediment to a waterbody, or high potential to compact the soil in a way that would inhibit revegetation and recovery. Typically, this includes areas close to water bodies, areas on steep or unstable slopes and areas prone to landslides.

g. Low-hazard activities: Activities that occur in an area that has low potential to deliver sediment to a waterbody or compact the soil in a way that would inhibit revegetation and site recovery.

Guidance for implementing these requirements and further detail on definitions used in this Subsection are provided in Portland Water Bureau standard operating procedures.

2. Projects on City land in the Closure Area must avoid ground-disturbing activities during the wet season, to the extent practical.

3. High-hazard activities, as defined in Section 21.36.050, are prohibited during the wet season, unless the Administrator authorizes an exception.

a. Exceptions may include projects that require work during the wet season, such as:

(1) Projects that require more than four months of ground-disturbing activity;

(2) Work that must be done during periods of low water demand; or,

(3) Work for which other compelling factors require work in the wet season.

b. All projects, including authorized exceptions, must comply with Title 10 and Bull Run Special Provisions as well as county, state and federal erosion control and in-water work restrictions. All projects must also develop and implement a wet season erosion control plan adapted to the scope of the project. The erosion plan must identify how the project will avoid, then minimize or mitigate, during the wet season:

(1) Erosion;

(2) Soil compaction;

(3) Vegetation removal; and,

(4) Habitat disturbance.

4. High-hazard activities, as defined in Section 21.36.050, are allowed to proceed during the dry season, with the following restrictions:

a. If the weather forecast predicts an inch or more of rain in a 24-hour period, or conditions exceed wet weather indices for Bull Run (as defined in Portland Water Bureau standard operating procedures), project staff must:

(1) Temporarily stabilize all exposed soils; and,

(2) Suspend all ground-disturbing activities until wet weather indices indicate drier conditions.

b. If the Portland Water Bureau expects that the soil will continue to be wet indefinitely until and beyond October 15, all ground-disturbing activity must be suspended for the rest of the construction season.

5. Low-hazard activities, as defined in Section 21.36.050, are permitted during the dry season and are allowed to continue during the wet season, with the following erosion control requirements in both seasons:

a. Project staff must inspect and monitor erosion control measures if:

(1) The weather forecast predicts an inch or more of rain in a 24-hour period; or,

(2) Conditions exceed wet weather indices (as defined in Portland Water Bureau standard operating procedures).

b. If inspection shows that any erosion control measure is significantly failing, project staff must take the following actions until the erosion control measures are repaired and functional:

(1) Temporarily stabilize all exposed soils; and,

(2) Temporarily suspend all ground-disturbing activities.

L. Fire Prevention.

The City's work in the Closure Area sometimes requires using power-driven machinery or engaging in other spark-emitting activities. This work must comply with federal and state fire season requirements and Industrial Fire Precaution Level

requirements, as applied to the Bull Run Watershed Closure Area in the Bull Run Fire Plan.

M. Emergencies.

1. The Portland Water Bureau must notify the Commissioner-in-Charge within 24 hours of an emergency causing or threatening significant damage to City land or infrastructure in the Closure Area. The Portland Water Bureau must post an update to the online quarterly project list within 72 hours of an event that will require emergency response with the likelihood of significant ground disturbance.

2. After notifying the Commissioner-in-Charge, the Portland Water Bureau is authorized to proceed for up to 30 calendar days to prevent imminent damage to infrastructure, impairment of water quality or habitat, or risk to employee safety. The Portland Water Bureau must, as part of the emergency response, avoid, then minimize and mitigate, environmental impacts, including providing for erosion control, protection for riparian reserves and compliance with applicable BMPs.

3. If the emergency response is expected to last longer than 30 calendar days, the Portland Water Bureau must prepare a Project Impact Assessment and Mitigation Summary to guide further action. Mitigation must include the applicable requirements in Subsections 21.36.050 H, I, J and K. The Portland Water Bureau must provide an opportunity for members of the public to request notification about a specific emergency response with an expected duration of more than 30 calendar days. Members of the public who request notice for an individual emergency response will be considered a stakeholder for that emergency. The Project's Impact Assessment and Mitigation Summary must be posted online, and the Portland Water Bureau must notify stakeholders.

4. If an ordinance is required to authorize funding or contracting for the emergency response and the response lasted less than 30 calendar days, the measures taken to avoid, then minimize and mitigate, environmental impacts must be described in the ordinance. If an ordinance is required and the emergency response lasts longer than 30 calendar days, a Project's Impact Assessment and Mitigation Summary, as defined in Subsection 21.36.050 G., must be included as ordinance exhibits.

5. If the situation creating the emergency requires a multi-year capital planning and design project to fully resolve, the comment, objection and appeal processes described in Subsection 21.36.050 F. are required.

CHAPTER 21.37 – EMERGENCY RESPONSE

Sections:

21.37.010 Water Served on an Emergency Basis.
21.37.020 Emergency Loan of Materials and Equipment.
21.37.030 Giving and Receiving Mutual Aid Agreements.

21.37.010 Water Served on an Emergency Basis.

The Administrator is authorized to sell water on an emergency basis to other government bodies under terms and conditions deemed appropriate by the Administrator. Water served on an emergency basis may be charged rates calculated as described in the Annual Rates Ordinance or charged at the discretion of the Administrator.

21.37.020 Emergency Loan of Materials and Equipment.

The Administrator may loan emergency operating materials and equipment to other government agencies, including water districts and municipalities, on an emergency basis. The government agency must submit a written request and pay to use the materials and equipment. When operators or other staff are needed to operate equipment or train others in its use, the government agency must pay for or reimburse wages.

21.37.030 Giving and Receiving Mutual Aid Agreements.

The Administrator is authorized to execute, on behalf of the City, mutual aid agreements with other government entities, tribes and utilities to provide technical aid and workforce or receive emergency assistance following a significant natural disaster or other major disruption to the City's drinking-water infrastructure to assist the City in restoring water service to customers. Copies of current mutual aid agreements are maintained at the Portland Water Bureau’s Emergency Management Office.