

Exhibit A

# TITLE 21 – WATER

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**TITLE 21**  
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**CHAPTER 21.04 – DEFINITIONS**

~~(Chapter replaced~~(Title added by Ordinance No. ~~182053~~xxxxxx, effective ~~August~~  
~~15, 2008~~Month Day, 2020.)

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*As of October 2, 2020*

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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. 21.04.020 Applicant.

21.04.030 “**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. 21.04.040 Backflow Prevention Assembly.  
21.04.050 Base Charge.

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- 21.04.060 — **“Billing Period”** means the time between two meter reading dates.
- 21.04.070 — Bureau.
- 21.04.080 — Chief Engineer.
- 21.04.090 — Commissioner in Charge
- 21.04.100 — Distribution Mains.
- 21.04.110 — Main Extension.
- 21.04.120 — Premises.
- 21.04.130 — Ratepayer.
- 21.04.140 — Rates.
- 21.04.150 — Service Branch.
- 21.04.160 — Service Connection.

21.04.170 — **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. “Curtailement”** 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.

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- 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.

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- 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.

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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.

21.04.180 — Volume Rates:

21.04.190 — Water User Charges:

21.04.200 — 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.

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**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.”**

**21.04.010 — Administrator.**

For the purposes of this Code, Administrator refers to the person in charge of the Portland Water Bureau, or the Administrator’s designee.

**21.04.020 — Applicant.**

The party applying for water or water-related services.

**21.04.030 — Backflow Assembly Installation Requirements.**

Standards developed by the Bureau, consistent with the administrative rules of the State of Oregon, which guide the approval of backflow prevention assembly installation.

**21.04.040 — Backflow Prevention Assembly.**

An approved assembly which prevents water that has been delivered to a property from flowing back into the City water distribution system (premise isolation) or from reversal of flow within premise piping (point of hazard isolation).

**21.04.050 — Base Charge.**

A daily fixed charge. For fire line service, the charge will be based on the size of the metered connection.

**21.04.060 — Billing Period.**

The time between two consecutive meter reading dates or such other time period used for billing purposes.

**21.04.070 — Bureau.**

The Portland Water Bureau (Water Bureau or Bureau of Water Works), being the official agency of the City of Portland that supplies water to the City and administers the sale of water outside the City.

**21.04.080 — Chief Engineer.**

The Chief Engineer is a Licensed Professional Engineer in charge of the Bureau engineering staff. The Chief Engineer, or the Chief Engineer’s designee, is responsible for establishing, maintaining, and enforcing engineering and technical standards for design and construction of the water system.

**21.04.090 — Commissioner in Charge.**

The elected member of the Portland City Council responsible for the supervision and control of the affairs and property of the Bureau, as authorized in Chapter 2 of The Charter of the City of Portland.

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**21.04.100 — Distribution Mains.**

Water pipelines located in streets, public ways, or private rights of way or easements which convey potable water to service connections and hydrants.

**21.04.110 — Main Extension.**

The extension of water distribution mains beyond previously existing facilities.

**21.04.120 — Premises.**

Integrated land area including improvements thereon undivided by public thoroughfares and under single or common ownership where all parts of the premises are operated under the same management.

**21.04.130 — Ratepayer.**

Any party legally responsible for payment of water or water related service supplied by the Bureau in accordance with established rates and charges.

**21.04.140 — Rates.**

The rates or amounts fixed by the annual water rate ordinance of the Portland City Council to be charged for water service supplied by the Bureau.

**21.04.150 — Service Branch.**

An unused service pipe from the distribution main to the future meter location.

**21.04.160 — Service Connection.**

The pipe or tubing, fittings, and valves necessary to conduct water from the distribution main to and through the meter and to the property line. Where the water service meter is on private property, service connection is the pipe or tubing, fittings, and valves necessary to conduct water from the distribution main to and through the meter and the angle meter coupling on service connections of 1-inch or less and through the downstream meter valve on service connections of more than 1-inch.

**21.04.170 — System Development Charge.**

A charge imposed upon each new service connection and on increases in the size of old connections within the City limits.

**21.04.180 — Volume Rates.**

A variable charge which appears on the water bill based on the amount of water used per 100 cubic feet, or fraction thereof.

**21.04.190 — Water User Charges**

Charges billed to ratepayers for water usage, including but not limited to, water volume and base charges.

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**21.04.200 Wholesale Distributor.**

Any” means a water district, city, water company, association, or other agency that purchasesbuys water from the City on a wholesale basis for further distributionof Portland and then sells or saledistributes it.

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CHAPTER 21.08 - ~~EXTENSION OF WATER~~  
MAINS

Sections:

- 21.08.010 Location of ~~Mains~~Main.  
21.08.020 ~~Distribution~~ Main Extensions Inside City; and Cost Sharing.  
~~21.08.030 Fair Share Reimbursement.~~  
21.08.040 ~~Extending Distribution Mains~~Main Outside the City.  
21.08.050 Adequate ~~Mains~~Main Before Street or Other Public Improvement.  
21.08.060 Installation of Adequate Distribution ~~Mains~~Main Inside the City.  
21.08.070 Portland City Council Authorization for Laying Water ~~Mains~~Main and Other Water Improvements.

21.08.010 Location of ~~Mains~~Main.

(Amended by Ordinance No. 181715, effective April 2, 2008.)

A. ~~Water mains are to~~Where a water main may be installed ~~within~~. A water main may be installed in public ~~right~~rights-of-way or easements.

B. ~~ways.~~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

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7. The Portland Water Bureau may authorize construction of a public main within a private tract of land dedicated and utilized as a private street. The City shall be granted an easement of sufficient width, as determined by the Chief Engineer. The easement agreement shall be on a form approved by the Chief Engineer, and it shall allow have 24-hour unobstructed access to operate and maintain the public water system within the private street. The Chief Engineer or the Administrator shall determine the necessity to cross private land with a public main all parts of the easement main and appurtenances installed to support the main system.

B. Water main extensions shall be installed a minimum of 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 of the parcel to be served or the location of the proposed service, whichever is farther.

C. If the Chief Engineer determines that an application for water service cannot be met because there is no main or the mains are inadequate for the demands projected, the person denied service may apply for the construction or improvement of mains to allow the service. Upon such application, the Chief Engineer shall prepare a cost estimate for the work to be performed, using such cost factors as the Chief Engineer determines are accurate and appropriate for the job. In order to receive water service, the applicant is obligated to pay for the costs assessed by the Portland Water Bureau for water main or main extensions to provide adequate flow to the site, using the most direct route through the public right of way for the main to reach the desired site, as determined by the Chief Engineer. 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.

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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.

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~~D. The Portland Water Bureau retains the right to use a larger main than required to serve the applicant's demands (although, at a minimum, any applicant is responsible for a main at least 6 inches in diameter) or an alternative route for the main. If the Portland Water Bureau installs a larger main or chooses an alternative route, the Portland Water Bureau shall assume the costs in excess of that required to serve the applicant's site using the most direct route in the public right of way and the size of main necessary for the applicant's demand.~~

21.08.020 **Distribution Main Extensions Inside City, and Cost Sharing.**

(Amended by Ordinance Nos. 181715 and 182053, effective August 15, 2008.)

A. ~~Except for purposes of improving an inadequate main as provided in Section 21.08.060 or if the The Portland Water Bureau shares costs as provided herein, an applicant for is responsible for designing and building a new or improved water main shall pay in the full costs right of the new or improved main way.~~

~~B. The Administrator of the Portland Water Bureau shall is the only authorized entity that can connect to and operate the live public water system.~~

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B. The Portland Water Bureau may adopt by rule a methodology of cost sharing rules about how it may share installation costs with applicants for the installation of. Cost sharing may apply to new or improved water mains, main extensions, and fire hydrants installed by, services, and other water infrastructure.

~~At most, the Portland Water Bureau in may pay 50 percent of the public right of way total project cost.~~

~~The Administrator will consider the following when the total cost of the project required for the applicant does not exceed \$125,000. In no case shall the Portland Water Bureau's share of these costs exceed 50% of the total cost of a project, or a maximum share of \$62,500, whichever is less. In developing the cost sharing methodology, the Administrator shall consider the following criteriapolices;~~

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

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2. Rate impacts; and;

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**3. Availability of Portland Water Bureau ~~budgetary funds.~~**

~~C. Notwithstanding and in lieu of the cost sharing authorized by Section 21.08.020 B., if an applicant's request for a single new residential service of 1-inch or smaller is not granted due to inadequate capacity of a 4-inch main or smaller, the provisions of Section 21.08.060 shall apply to establish allocation of costs.~~

~~D. At the discretion of the Chief Engineer, the cost of the project or components of the project shall be offered to the applicant at either a set price or time and materials basis. The Portland Water Bureau shall accept a deposit of 20% of the estimated cost for preliminary engineering work, the balance due prior to actual construction. For projects accepted by the applicant on a time and materials basis, if the actual cost of the main or main extension and the laying thereof is greater than the estimated cost, the applicant shall pay the difference to the Portland Water Bureau. Payment shall be deposited to the Water Operating Fund and transferred to the Water Construction Fund. If the actual cost is less than the estimated cost, the excess shall be refunded to the applicant. In determining actual costs, allowance shall be made for overhead expenses in accordance with the provisions of the City Code and the Annual Water Rate Ordinance. Determination of the amount to be paid or refunded after construction of the main shall be made by the Administrator, subject to appeal to the City Council, and the decision of the Council shall be final.~~

~~E. In no case after a set price has been established shall refunds or additional charges for the installation be made except in those cases where changes have been made at the request of the applicant.~~

~~F. In all cases the size of mains and main extensions and the specifications for laying the same shall~~ **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 Chief Engineer, and water mains and main extensions within the City shall be installed solely by the City, except as otherwise provided herein and shall be the property of the City.**

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**G.** ~~The developer of a new residential subdivision within the City may petition the Chief Engineer for permission to construct water mains and appurtenances within the limits of the subdivision. Water mains may also be installed in private streets subject to prior approval of the Chief Engineer and subject to all conditions contained in this Title. However, the costs of all such mains and appurtenances in subdivisions and private streets shall be borne by the applicant, including but not limited to planning, design, plan review, construction, inspection and project management, and may not request cost Administrator. Cost sharing provided in Section 21.08.020 for the mains and appurtenances. Any public water mains improvements or appurtenances relocation of portions of the water system that are placed in public rights of way shall become the property of the Portland Water Bureau. The Portland Water Bureau shall connect the privately constructed water facilities to the public main. Costs of connection shall be borne by the applicant unless the connection cost is less than \$125,000, in which case the costs shall be shared under standards developed pursuant to Section 21.08.020 A covered in other regulations and policies, are not addressed in~~

**H.** ~~The Administrator may adopt administrative rules and procedures necessary to carry out the provisions of this chapter Section.~~

**I.** ~~The effective date of this Chapter is July 1, 2007. The provisions of Section 21.08.020 shall be applied retroactively to projects which did not include a city cost share and were accepted and paid for by the applicant after June 30, 2007.~~

**21.08.030 Fair Share Reimbursement**

(Amended by Ordinance No. 181715, effective April 2, 2008.)

**A.** ~~An applicant or applicants who pay for all or a portion of a new main or main extension may be reimbursed a portion of the cost of installation from other applicants who subsequently seek service from that main. To qualify for reimbursement, the main must be within the City of Portland, the date of application for service must be within 10 years of the water main or main extension's installation date, and the property for which service is sought must not have been owned by the applicant who paid for the main or main extension.~~

**B.** ~~If the Portland Water Bureau elects to cost share with the applicant under Section 21.08.020 in the cost of installation of new main or main extension, the applicant shall not qualify for any reimbursement.~~

**C.** ~~When reimbursement is warranted, the Portland Water Bureau shall collect a pro rata share of the cost of the main installation from each customer who, within ten years of the main installation, subsequently connects to the main and make an equivalent reimbursement payment to the individual who paid for the main. Pro rata shares for payment by new customers and reimbursement shall be calculated~~

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as follows: The initial cost of main installation shall be divided by the total length of the main, in feet. The per foot cost of the main shall then be multiplied by the frontage length of the new service applicant's property, in feet, times 50 % [(cost of installation divided by total length) X frontage X 0.50 = payment]. The required payment shall be reduced for depreciation at the rate of 2 1/2 % per year, computed from the date of the main installation to the date of application for service.

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### 21.08.040 Extending Distribution Mains Main Outside the City.

(Amended by Ordinance No. 182053, effective August 15, 2008.) Any person desiring Any applicant requesting a main extension outside the City may make written application apply in writing for construction of a water main. The Chief Engineer may approve of the main extension if the request does not unreasonably impair water supply or pressure to existing services, whether inside or outside the City, and cannot may not be reasonably be served provided water service through any other water supplier.

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The Chief Engineer shall 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 shall 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 system main, the Portland Water Bureau shall make connection will connect it to the existing water system. -After acceptance by the City Portland Water Bureau, the water main extension shall will become the property of the City.

If the Portland Water Bureau is decides to lay construct the main extension, the applicant shall pay to must prepay the Portland Water Bureau the estimated cost thereof prior to construction. -The cost includes the cost of 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 shall must pay the difference to the Portland Water Bureau. -If the actual cost computed as herein prescribed is less than the amount prepaid by the applicant, the difference shall must be refunded. -When the applicant requests a set price for such installation, the Portland Water Bureau shall will establish a price based on the estimated cost and in no case after. After a set price has been established shall, no refunds or additional charges for the installation will be made except in those cases where changes have been made at the request of the applicant.

The City shall not be responsible for any change requests changes to the design or enlargement of the main or main extension outside the City, and shall not be responsible for any portion of the cost of relaying or changing the main or main extension because of subsequent improvement of any public work construction and a new fee statement is issued.

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Application for connection of property outside the Portland City limits to the City water main or main extension shall be deemed a waiver of any deficiency of supply, pressure, or any other inadequacies, whether attributable to prior or future connections or extensions,



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and shall will be deemed a covenant that the applicant shall must comply with all provisions of this Title 21 of Portland City Code and the rules and regulations of the Portland Water Bureau and must have prior approval of the Portland City Council.

**21.08.050 Adequate Mains Main Before Street or Other Public Improvement.**

(Amended by Ordinance No. 182053, effective August 15, 2008.) The Chief Engineer of the Portland Water Bureau may require that adequate water mains be main, backflow protection assemblies and other water system parts are installed in accordance with the provisions of this Title prior to street, 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 Mains Main Inside the City.**

(Amended by Ordinance No. 182053, effective August 15, 2008.) If Requesting a petition for larger main. Sometimes an existing main is not large enough to accommodate a new service. If an applicant requests a new residential service of 1 inch or smaller and there is not granted due to inadequate enough water capacity of a 4 inch because the main is 4 inches or smaller, the applicant may must wait until the main is enlarged by the City. If petitioner wants the main enlarged sooner than the City's timetable the petitioner City enlarges the main.

The applicant may also request that the City adjust the timetable and replace the main without delay. The Administrator together with enlarge the main sooner. Upon review of the project, the Chief Engineer will review this request. If the Administrator and Chief Engineer decide, in their discretion, to may grant the request to enlarge. The applicant and the main City must share the petitioner shall pay a portion of the cost of costs for enlarging the main. The Bureau will pay all remaining costs. The portion of the main paid by the City is sixty five percent (65%) unless that figure is changed by the annual water rate ordinance. All requirements of Section 21.08.030 "Fair Share Reimbursement" will apply except that the full cost of the main will not be charged to the petitioner Annual Rates Ordinance lists the costs the City must pay.

**21.08.070 Portland City Council Authorization for Laying Water Mains 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

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installing a new main if any portion of the work is eligible for payment or reimbursement under other regulations, codes or administrative rule.

**B.** (Amended by Ordinance No. 180917, effective May 26, 2007.) The Council or its administrative officers may cause to be laid or installed at City expense, whatever pipelines, extensions, enlargements at the time of initial main installation or subsequently, interconnections, pumps, tanks, reservoirs, dams, works, and appurtenances which are found by the Administrator and the Commissioner In Charge to be necessary, advantageous, or convenient. This shall not be deemed to confer any right or privilege upon any person or premises to have a water main laid at sole City expense. The portion of the cost of any main and the laying thereof installed to serve residential premises or area only, and laid after August 1, 1957, which is in excess of the cost of a 6 inch ductile iron main and the laying thereof, shall be deemed allocable to water supply. Such allocation shall be paid from the Water Construction Fund at City expense except where Portland Fire & Rescue requires larger flows for fire protection requirements, those costs shall be at the applicant's expense.

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Exhibit A

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.

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**CHAPTER 21.12 - WATER SERVICES**

**Sections:**

- 21.12.010 New Service to Property Adjacent to Water Main.  
21.12.020 Size of Service Connection 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 Permit for Temporary Water Service.  
21.12.100 Annual Fire Hydrant Permit.  
21.12.110 Installation of Service Pipes New Services from the Main to the Property Line 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 Through Pipes and Fixtures.  
21.12.160 Bureau Authority to Disconnect a Property Due to Potential Damage to Water System or To 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 Abandoned Curb Service.  
21.12.200 Leaking or Unused Services Defective Service.  
21.12.210 Master Metering of More Than One Water Service.  
21.12.220 Fire Protection 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 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 to Be Clear.  
21.12.300 Shut Off Shutoff Because of Defective Installation of Meters 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.  
(Amended by Ordinance No. 182053, effective August 15, 2008.) Property A request for a new service within the City and adjacent to a City water main may be served is subject to

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the provisions of this ~~Code, code~~ and the ~~annual water rate ordinance~~ Annual Rates Ordinance.

To obtain water service, the service connection must be along the ~~frontage-front lot line~~ of the property to be served and be adjacent to a ~~public or private street right-of-way~~ in which there is a public water main. ~~With the exceptions noted in this section, water service shall not be provided by means of an easement. With the approval of the Chief Engineer, water service may be provided from a main within an existing easement. The service must be within the easement and must be readily accessible for maintenance and meter reading. The~~

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 ~~frontage-front lot line~~ along a ~~public right-of-way~~ 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 at the time of application for service 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 ~~shall will~~ be deemed temporary unless such main was designated as a permanent main. ~~In any case, such~~ If the connection shall is temporary, the connection will not entitle the person or premises to have said main replaced with a larger main at ~~City~~ the City's expense. The application for service from a 4-inch main or smaller ~~shall 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 shall will~~ be deemed a covenant ~~that and~~ the applicant ~~will must~~ comply with all the provisions of this Title and the rules and regulations of the Portland Water Bureau.

~~Property outside the City, but adjacent to a City main, may be served with the approval of the Chief Engineer and the Administrator, subject to all the provisions of this Section and Chapter 21.28 Outside City Services and Wholesale Distributors. This service shall be a special contract service and not provided by the City as a common utility service, as described in Section 21.28.010 "Individual Water Services Outside the City."~~

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 ~~Connection and Meter~~.**

~~(Amended by Ordinance No. 189256, effective December 21, 2018.)~~ Whenever an application for water service and meter is received, the ~~Administrator or the~~ Chief Engineer

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~~shall have authority to may~~ reject such application if, in the judgment of the Chief Engineer, the service and meter size ~~applied for is expected to be less than or greater than the size necessary 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 the applicant. In such event, the Administrator or the Civil Engineers (ASCE). The Chief Engineer ~~shall~~will specify the appropriate size of the Portland Water Bureau service line and size and type of meter. -The service size, as determined by the Chief Engineer ~~shall,~~ will not be a warranty of sufficiency for pressure or volume of water to be afforded the premises. -No service ~~connection and meter~~ less than ~~3/4-1~~ inch in size ~~shall may~~ be installed.

The installation of ~~any required~~ backflow prevention assembly may cause the pressure and-or volume of water to be less than ~~the distribution system is able to supply through a specific service supplied previously by the City at the meter.~~ It is the responsibility of the applicant to ~~demonstrate having calculated~~calculate the effect of installing ~~required~~ backflow prevention ~~assemblies~~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.

~~(Amended by Ordinance No. 182053, effective August 15, 2008.) The property owner shall~~All applicants must make written application ~~for permits~~ to connect with or disconnect premises from the City water system on forms provided by the Portland Water Bureau ~~in which the.~~ The applicant shall specify the location must complete these forms in full and the use for which the service is required, and shall 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.

The applicant

All applicants for all water services 1-inch and larger shall submit the water flow requirements at the time of request. Applicants for smaller services shall provide water flow requirements when requested. The applicant for water service to commercial or industrial development shall must submit a scalable site utility plan at showing the whole street running along the length of the property at the time of the request 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 off from the service to the nearest property line. If an easement is being used, that must be included on the site plan as well.

An application for a permit to connect premises with the City water system

Payment for service to a new building or structure shall not be accepted for filing unless that requires a building permit will not be accepted until the permit has been issued for such

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~~building or structure~~ as provided in the building regulations of the City. ~~No permit shall~~ application for a service may be issued approved unless the conditions set forth in this Title ~~relating to main extensions have been~~ are met, if applicable. ~~Any permit issued to connect premises with the City water main shall not entitle the permittee to a~~

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 until it is laid adjacent to the premises of the owner. Acceptance of fee for the permit shall 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 nor or grant specific right of connection. Any service connection made outside the City limits must receive prior approval of

Upon application for any development-related building permit or application for additional services or upgrades, the Portland City Council 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. The Bureau shall retain costs for any work already performed, plus a 15 % fee per cent service charge for the cost of handling and overhead as a service charge.~~ A service that has not been installed within ~~6 months~~ one year of the date of application, ~~at the direction of the applicant, shall~~ payment of fee statement will be canceled, and the fee less the accrued costs ~~shall~~ 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 ~~by~~ before the ~~Bureau~~ 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 ~~Administrator or~~ Chief Engineer, when the ~~Administrator or~~ Chief Engineer determines that such installation will benefit the City.

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~~See Section 21.16.160 "Service Installation Fees."~~ 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 ~~for 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 ~~been removed~~ disconnected, the Portland Water Bureau ~~shall~~ will determine the condition of the service branch ~~and whether it may be used~~. The applicant ~~shall~~ must pay for the cost of renewal of the service ~~branch~~, 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~~ Is Desired.

~~(Replaced by Ordinance No. 182053, effective August 15, 2008.)~~

- A. When a new smaller or larger ~~sized~~ service is desired at ~~the same~~ property and the Chief Engineer concurs that the requested size is appropriate, ~~the following charges will apply:~~
- ~~1. 1.~~ For each new larger ~~sized~~ domestic or irrigation service, an old ~~domestic service that is 2 inches or smaller~~ will be removed ~~without charge at no cost~~.
  - ~~2. 2.~~ For a new smaller or same-sized service, the charge to remove an ~~old existing~~ service is provided in the ~~annual rate ordinance~~ Annual Rates Ordinance.
  - ~~3. 3.~~ Charges to remove inactivated service ~~branches~~ pipes larger than ~~¾" 2 inches~~ are provided in the ~~annual rate ordinance~~ Annual Rates Ordinance.
- B. Charges to install ~~the new or relocated~~ services are provided in the ~~annual rate ordinance~~ Annual Rates Ordinance.
- C. If the Portland Water Bureau has identified a service as being defective, a new service of the same ~~or 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. ~~However, if 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 ~~will~~ must pay the difference between ~~installation fee of~~ the two sizes, and ~~credit for~~ the System Development Charge (~~see Section 21.16.170 "System Development Charge"~~) will be applied ~~for cost of the SDC~~ for the larger meter, with a credit for

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the SDC equal to the meter for the service being removed as ~~herein~~ provided in Chapter 21.16.

- D. If a service is relocated or changed in size, ~~proper~~additional backflow protection may be required and must be installed ~~as outlined in the Code Section 21.04.030 "Backflow Assembly Installation Requirements."~~and inspected by the Portland Water Bureau prior to service activation. The cost of backflow protection ~~shall be~~is the responsibility of the property owner.

### 21.12.070 Separate Service. *After Work Session edits will be required. S. Santner to provide.*

~~(Amended by Ordinance No. 182053, effective August 15, 2008.) Unless otherwise provided in this section, a~~In order to allow for more customers to practice individual water conservation strategies, lower their water usage and subsequent water bills, and to qualify for the financial assistance programs, Portland Water Bureau requires separate service shall be water meters for the following types developments:

#### A. Separate individual services are required to supply water to each:

1. Each separate lot, parcel of land and to each house or building under separate ownership ~~upon the same parcel. A parcel is considered:~~
2. New detached accessory dwelling units (ADU's);
3. New multiplexes up to 8 units;
4. Multiple units under separate ~~when partitioned by a different individual ownership, street, or public way.~~

~~Unless otherwise provided hereunder, a separate service shall be required for each house or building even if under one ownership and on the same lot or parcel of land. A single service may be provided for multiple units under single ownership. A single service may be approved by the Chief Engineer for multiple units which are individually owned when there is a contract with the Portland Water Bureau specifying who shall be responsible for all water bills and charges. Otherwise, multiple units which are individually owned must have a separate service to each unit.~~

~~The Bureau may limit the number of houses or buildings or the area of land under one ownership to be supplied by one service connection or meter.~~

~~Two or more houses or buildings under one ownership and on the same lot or parcel of land may be supplied through a single service meter, if approved by the Administrator or Chief Engineer. If the property on which the houses or buildings are located is divided by sale, a separate water service shall be obtained for each ownership prior to the sale.~~

~~Notwithstanding terms to the contrary in this section, a property owner may request, and the Chief Engineer may authorize, continuation of water service, through existing lines, to the owners of property divided by sale, if the divided parcels will continue to share use of~~

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~~existing water lines and mains, as they did prior to the sale and which were in compliance with the provisions of Title 21 at the time of the sale. Authorization will not be granted if there is a change in size or location of any of the existing water services.~~

~~In addition, the party requesting exemption from the standard requirement, described above, must provide the Administrator with a document that has been recorded, the purpose of which is to authorize all users of the common lines and mains to access those lines as necessary, for installation, maintenance and repair of the common system, said rights to run with the land.~~

~~The service connection to a parcel of land shall not be used to supply an adjoining parcel of a different owner, or to supply a separate parcel of the same owner for which proper application for service has not been made. When property provided with a service is subdivided, the service connection shall be considered as supplying the parcel of land which it directly enters. See Section 21.12.010 "Service to Property Adjacent to Water Main" for allowed location of water service.~~

5. Each building under separate ownership, if property is sold and subdivided.

B. Separate services are not required when:

1. Attached ADU or conversion of an existing dwelling;

2. New developments with 9 or more residential units;

3. Two or more houses or buildings are under 1 ownership and are on the same lot or parcel; or,

4. As noted in D, below.

C. Separate services may be used when:

1. Building falls on multiple contiguous lots under the same ownership; or,

2. New development with 9 or more units and under the same ownership.

D. When adequate space does not exist, clearance and separation requirements cannot be achieved between utilities, trees and structures in or adjacent to the right-of-way, the Chief Engineer may waive this requirement and allow shared meters, also known as master meters.

### **21.12.080 Service to Property Partially Outside City.**

Where service is requested for a property lies partially inside and partially outside ~~of the City~~city limits, service may be provided if the principal structure is on the portion of the property inside the City~~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 ~~shall~~must charge rates in accordance with outside City service ~~rates~~. Such services ~~shall~~must be

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installed at the expense of the property owner of the premises. See Section 21.08.040 for additional requirements.

#### **21.12.090 Permit for Temporary Water Service.**

~~(Amended by Ordinance Nos. 180120 and 182053, effective August 15, 2008.)~~ The Portland Water Bureau may ~~issue a permit for~~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 ~~shall must~~ not exceed ~~one (1) year from the date of installation if it is a conventional metered service and ninety (90) days if supply is from a fire hydrant.~~ The Portland Water Bureau may grant a ~~one (1) year time extension, for a total maximum term of two (2) years from the date of installation of the conventional metered service for a government agency project which occurs within or adjacent to the City's right of way property and requires temporary irrigation service.~~

The ~~permittee~~applicant desiring temporary service ~~shall make application must submit a request for service~~ to the Portland Water Bureau and ~~shall~~ declare the intended purpose of the service ~~and shall.~~ 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 ~~permittee, or allow the temporary use of a fire hydrant as a source of supply.~~ 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 ~~permittee shall~~applicant must utilize it as if it were a normal permanent service. ~~If supply is from a~~

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, the permittee permit must continuously follow the established rules and regulations governing the use of a fire hydrant, as detailed in Section 21.24.020 "Fire Hydrants", as well as all ~~city~~City, state and federal rules, regulations, and guidelines governing the proper use and disposal of water. The ~~permittee~~applicant must meter or accurately gauge usage of water from ~~at the~~ fire hydrant and report that usage to the Portland Water Bureau. -The ~~permittee~~applicant must not use water from ~~another~~ fire hydrant other than that specified in the permit without prior written approval of the Portland Water Bureau. -The ~~permittee shall~~applicant must use water exclusively for the stated purpose of the permit and ~~shall must~~ not allow others to utilize the permit to obtain water for any other purpose.

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All temporary water services are required to have-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 property. All costs associated with backflow prevention assemblies will premises or on a City fire hydrant when permitted for such use. A reduced pressure backflow assembly may be required if the responsibility type of use of water warrants a higher level of protection. The backflow assembly installation must be inspected by the owner or applicant. Portland Water Bureau prior to service activation. See Section 21.12.320 for additional requirements.

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### 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 governmental 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 permittee shall fire hydrant permit allows use of the water exclusively for the stated purpose of the permit and shall 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 shall, must be prorated. The cost for an annual fire hydrant permit is set in the annual water rate ordinance.

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Annual Rates Ordinance. The permittee applicant receiving the permit, and all employees 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 "Fire Hydrants," as well as all city City, state and federal rules, regulations, and guidelines governing the proper use and disposal of water. All water trucks used by the permittee must be inspected for proper backflow protection equipment every three (3) years by at the Portland Water Bureau Water Quality Inspector.

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### 21.12.110 Installation of Service Pipes New Services from the Main to the Property Line Mains.

(Amended by Ordinance No. 176955, effective October 9, 2002.) A. The Portland Water Bureau shall perform performs all work for installation of a water service within the existing public right-of-way or within an approved easement except as detailed in Section 21.12.130 "Service Maintenance Responsibility." 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.

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C. The Chief Engineer ~~and the Administrator~~ may allow a developer to install all or ~~parts~~ some of a water service in a subdivision or in conjunction with a developer installed water main currently under construction. ~~No work by others shall occur on a water service if the Water Bureau has accepted the main for operation and maintenance on private property.~~ Installation and maintenance of ~~the private water system~~ lines on private property is regulated by Title 25, Plumbing Regulations 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 ~~the water services~~ services are found in Section 21.12.130 “Service and Maintenance Responsibility.”

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#### 21.12.120 Connections to the Water Service.

~~(Amended by Ordinance No. 182053, effective August 15, 2008.)~~ No connections to the water service shall ~~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 performed ~~installed by the City~~ or authorized by the Chief Engineer. ~~No private hose connections for domestic use shall be~~ are allowed within ~~the~~ a public or private street ~~where the hose.~~ Any discovered connections are accessible to the will be deemed a public health hazard, illegal and subject to enforcement actions per Chapter 21.24

#### 21.12.130 Service ~~and~~ Maintenance Responsibility.

~~(Amended by Ordinance Nos. 182053 and 189256, effective December 21, 2018.)~~ This ~~section~~ Section clarifies ~~whether it is~~ 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 ~~sections of the water supply system.~~ Responsibilities for installation of new service are ~~found~~ in Section 21.12.110 “Installation of Service Pipes from the Main to the Property Line.”

A. For domestic and irrigation services:

1. If the connection is 1 inch or smaller, the Portland Water Bureau is responsible for ~~that~~ maintaining, repairing, or replacing the section that is from the main through the meter ~~and to the angle meter coupling stop.~~ The

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property owner is responsible for ~~that maintaining, repairing, or replacing the portion downstream from the angle-meter coupling stop to the right-of-way and on the private property.~~

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2. If the connection is larger than 1 inch, the Portland Water Bureau is responsible for ~~that maintaining, repairing, or replacing the~~ section that ~~is 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 ~~that 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~~services, the Portland Water Bureau is responsible for ~~that maintaining, repairing, or replacing the~~ section that ~~is goes~~ from the main ~~through~~ ~~at the property side of the curb valve between the curb and property line.~~ The property owner is responsible for ~~that maintaining, repairing, or replacing the~~ portion downstream from the ~~valve between property side of the curb and property line.~~ valve.

- C. ~~The property owner is responsible for the repair of any facilities within the public right of way that are damaged as a part of the property owner's maintenance or repair work.~~ 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.

~~When a service pipe at the proper grade is damaged or destroyed by contractors or others in the performance of street work or where service pipes are damaged by electrolysis, the person, contractor, or company responsible for such damage or destruction shall 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 the City Code.~~

### **21.12.140 Water Pressure at Service.**

~~(Amended by Ordinance Nos. 176955 and 182053, effective August 15, 2008.)~~ 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. ~~The~~ 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 ~~where~~when possible or practical. The Bureau of Development Services, Plumbing Division, through Title 25 of ~~the~~Portland City Code, regulates plumbing and pressure on private property ~~and~~. Title 25 requires a pressure-reducing device for on-site domestic water systems that receive water at greater than 80 psi.

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If the pressure to the service is within the range of 20 psi to 40 psi, the ~~water user property owner~~ may choose to install a booster pump system on the ~~premises~~ property owner's side of the meter to improve the ~~working~~ pressure of the private plumbing system. -The property owner ~~or ratepayer~~ is responsible for the installation, operation and maintenance of any pressure-boosting system. -The addition of a booster pump ~~will~~ may require ~~the property owner to install~~ an appropriate backflow prevention assembly ~~be installed~~ on the water service, on private property, ~~and~~ directly adjacent to the property line. ~~as required by on the centerline of the City Codewater 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~~Through Pipes and Fixtures.**

~~(Amended by Ordinance No. 182053, effective August 15, 2008.)~~ The Portland Water Bureau ~~shall in no case be~~ 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 ~~Bureau~~ Authority to Disconnect a Property Due to Potential Damage to Water System or ~~To~~ Another Property's Facility.**

~~(Amended by Ordinance No. 182053, effective August 15, 2008.)~~

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; ~~or~~
3. creates other hazards that are detrimental to operating the City water system or the water system or facilities of another property; ~~or~~, or,
4. lacks required currently approved backflow protection.

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- 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 ratepayer/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 assurance/proof that changes have been made that will/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 shall/will give the property owner prior notice of the intent to disconnect. ~~The Portland Water Bureau shall/will state the reason for the disconnection, and offer an opportunity to be heard on why the operation is not detrimental or hazardous.~~

### 21.12.170 Use of Private Water and City Water.

~~Owners~~A property owner of buildings/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. ~~An:~~

- A. Prior to obtaining water service, an approved reduced pressure backflow prevention assembly (RPBA) must be installed ~~on the service connection to the premises as outlined in the Bureau's/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 proper backflow/RPBA protection, the City water supply to the premises shall/must be immediately shut off with or without notice. ~~In case of such discontinuance, service shall~~Service must not be reestablished until satisfactory proof is furnished that the cross connection, or potential cross connection has been completely and permanently eliminated or that an approved backflow prevention assembly commensurate to the degree of hazard/RPBA has been installed ~~on~~at the service connection to the premises; and ~~the assembly~~ 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.

~~(Amended by Ordinance Nos. 179978 and 182053, effective August 15, 2008.) The Bureau may disconnect a water service at the meter when base charges are not paid. If base~~ or volumetric charges are not paid for a period of ~~one (1) year~~ 12 months, the Portland

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~~Water Bureau will~~may consider the service abandoned and may disconnect the service ~~at the main. The Bureau may disconnect a leaking service at the main sooner than 1 year if payment. When backflow protection is required as outlined in this Title, abandoned or disconnected services must not be reactivated until adequate backflow protection has not been made~~installed, inspected and approved by the Portland Water Bureau. See Section 21.12.320 for requirements.

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**21.12.190      ~~Reactivation of Abandoned Curb Service.~~**

~~(Amended by Ordinance Nos. 179978, 180120 and 182053, effective August 15, 2008.) A~~  
~~The property owner or person responsible for the service may apply to the Portland Water Bureau to reactivate an abandoned service where the meter has not been removed pursuant to Section 21.12.180 "Disconnection of Service When Charges Have Not Been Paid."~~  
~~Existing 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. The Bureau may require installation of a backflow prevention assembly on reactivated services.~~  
~~The applicant shall pay for replacement of~~If the existing piping and/or connection if the piping and/or connection is unfit~~is found to no longer be fit for use and base charges have not been continuously paid. The applicant shall pay the full installation fee if the, the property owner must pay for replacement of the existing piping.~~

~~If service is desired at a different location than existing or if they desire a service that requires a larger pipe and connection. The applicant must pay the current service activation fee to reinstall a meter on the service, are required, service installation must be per Section 21.12.060.~~

**21.12.200      ~~Leaking or Unused Defective Services.~~**

~~(Amended by Ordinance No. 182053, effective August 15, 2008.) Where there is a leak 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 shall~~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 Bureau will cut out the service at the main. Where a water service pipe has been disconnected from the main, the owner of the premises previously serviced shall obtain a new permit and pay for a new service connection whenever a water service is desired. Portland Water Bureau may disconnect the service at the main. Services replaced because of defects or leaks shall~~must be renewed in the same size as the service removed, subject to the provisions which allow an owner of the property owner to request a change of service size (seerefer to Section 21.12.060 ~~"New Service Where Change in Size of~~

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~~Relocation is Desired."-).~~ The Portland Water Bureau may require the installation of an approved backflow prevention assembly when this new service is approved.

### 21.12.210 Master Metering of More Than One Water Service.

~~(Amended by Ordinance No. 182053, effective August 15, 2008.)~~ 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 ~~owners~~owner or ~~occupant~~tenant of the ~~premises~~premise served ~~shall~~must designate ~~one of their numbers~~someone who ~~shall~~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 ~~shall be~~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 ~~occupant~~tenant of the premises so served.

### 21.12.220 Fire Protection Service - Fire.

~~(Amended by Ordinance Nos. 180120 and 182053, effective August 15, 2008.)~~ Water through a fire service ~~shall~~may be used only ~~to extinguish a fire on the inside~~protection and suppression, and ~~the outside of the structure(s) that it serves and to test the fire~~requires periodic system. ~~A fire service testing at the premises being served. It is specifically not~~unlawful to be used ~~use a fire protection service~~ for domestic supply, maintenance, or irrigation ~~purposes or any other purpose.~~ The Portland Water Bureau shall install and maintain a meter for a fire service of less than 2 inch. A fire service 2 inch and A fire service 2 inches or larger that supplies only a fire system ~~shall~~must be equipped with a detector metering device that is part of the backflow prevention assembly. This assembly ~~shall~~must be installed and maintained by the property owner. ~~In addition, the Bureau shall install and maintain a metering device on a fire service that has private on-site fire hydrants, hose systems or other appurtenances that would allow the unauthorized use of water through the fire system for purposes other than to extinguish a fire.~~ A service that supplies water for multiple needs, such as for domestic use and for fire suppression, ~~shall~~must be fully metered and ~~shall~~must comply with the requirements of Section 21.12.030 "Application for Installation or Removal of Water Service."

Backflow protection ~~which~~that complies with Section 21.12.320 "~~Contamination of the City Water Supply and Requirements for Backflow Protection~~" is required on all fire services. ~~All costs associated with providing backflow protection are the responsibility of the property owner.~~

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

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- 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 ~~to a system provided with~~ where only a detector-meter ~~or detector double check valve-metered backflow~~ assembly exists.

When full-flow metering is required because of unauthorized use, the Portland Water Bureau ~~shall will~~ charge the property owner ~~or ratepayer~~ for installing the meter; ~~and/or~~ the meter vault; and ~~shall will~~ assess a ~~system development charge~~ 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 "Charges for Unauthorized Use of Fire Protection Services."

**21.12.230 Permit and Report Required to Do Plumbing Work.**

~~(Amended by Ordinance No. 176955, effective October 9, 2002.)~~ It is unlawful for any plumber or other person to make ~~connections~~, installations, replacements, extensions, or repairs to any City water service pipe, ~~or to~~ connect one service pipe with another service pipe, ~~or to~~ extend a pipe from one building to another building, or to turn water on or off at any premises without ~~having first obtained~~ written permission ~~in writing~~ from the ~~Administrator or Chief Engineer~~. Such changes may ~~require~~ the installation of an approved backflow prevention assembly, as detailed in Section 21.12.320 "Contamination of the City Water Supply and Requirements for Backflow Protection." 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 ~~shall~~ 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~~ three days ~~after 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 of any premises does not come from the main in front of the premises, the Bureau shall, when a main is laid to the new main in front the right-of-said premises, after notifying the owner or tenant thereof, provide a service connection to the new main without charge and at the same time, cut way; and,

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**3.** Cut and permanently remove the old service connection. ~~The~~

- 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 ~~shall be 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 ~~the building~~ 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 to the new service. ~~When services are relocated the Bureau may require installation of~~ 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, ~~as detailed in~~ 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 "Contamination of the City Water Supply and Requirements for Backflow Protection."
- 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.**

*(Amended by Ordinance No. 182053, effective August 15, 2008.)*

- A.** Within the City, the water meter ~~shall~~must be located in or adjacent to the street area where the Bureau fixes such location, except where a City water main is already located in an easement upon private property. ~~For service within easements, the Portland Water Bureau may allow location of a water meter to be located on or adjacent to such an existing line; if the necessary easements for the~~

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meter installation are ~~offered to 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 accepted by the City on the centerline of the City's water service as it exits the easement.~~

- B. Unless this requirement is waived in a particular circumstance ~~in at~~ the discretion of the Chief Engineer, and except as provided in ~~City Code~~ 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~~ Within the Public Right-of-Way.**  
(Amended by Ordinance Nos. 182053 and 189256, effective December 21, 2018.)

- 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 owner of the property~~ owner served, at the owner's expense, ~~shall must design,~~ fabricate and install a waterproof vault that encloses the entire water service from the open wall ~~penetration~~ to the backside of the meter assembly and separates it from other premises infrastructure, such as electrical panels, wires, ~~and equipment~~ 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 building's 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 ~~described in this Section.~~

The property owner ~~is responsible for having~~ 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. below, 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 will deem that a hazard exists and service to the property may be disconnected as provided in Section 21.12.160.~~

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.

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- C. The property owner must provide the waterproof vault's design plans for review and acceptance by the Chief Engineer that meet the requirements of the 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 ~~shall~~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 ~~can~~may be read, tested, serviced, and removed from the sidewalk area above.

The vault ~~shall~~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 shall will furnish a frame and cover for the meter vault, which will must be installed by the property owner. The vault shall be constructed of material that resists corrosion or be protected by a corrosion resistant coating. The owner shall be responsible for the integrity of the vault and shall maintain it to keep it free of corrosion and in a clean condition. The owner shall provide a penetration through the outside basement wall for installation of the service and shall seal the opening after installation of the pipe. The owner shall seal all openings of the vault except those leading to the sidewalk area.~~

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 ~~owner of the property together with affected lessees, if any owner,~~ as an alternative to compliance with this Section, ~~may~~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. waiving~~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 ~~non-compliance~~noncompliance with the requirements of this Section; and

~~2. defending~~The property owner defends and ~~holding~~holds harmless the City and its officers, agents, and employees against any claim by any person for

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damages for personal injury or property damage arising out of ~~non-compliance~~ noncompliance with the requirements of this Section.

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**21.12.270 Ownership of Meters.**

~~(Amended by Ordinance Nos. 180120 and 182053, effective August 15, 2008.)~~ All new services ~~will~~ 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 ~~"Fire Protection Service."~~ The cost of the ~~meters~~ meter plus installation ~~shall~~ will be charged to the ~~property owner~~ applicant requesting the new service. ~~The new meters shall be~~ meter is owned by the Portland Water Bureau.

The Portland Water Bureau ~~shall~~ will assume all repair, maintenance, and future replacement responsibilities for ~~the~~ new meters. ~~Where~~ For private meters ~~exist~~, that are used by the Portland Water Bureau for billing purposes, the Portland Water Bureau ~~shall~~ will perform all future repair, maintenance, and replacement work at no charge to ~~the~~ property owners ~~or tenants~~. If the private meter is determined to be obsolete, the Portland Water Bureau ~~shall~~ 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 ~~shall~~ will assume all responsibility for the cost of future meter repair or replacement.

As outside areas are annexed to the City, privately-owned meters ~~that are used will be repaired or replaced~~ by the Portland Water Bureau ~~for billing purposes shall be repaired or replaced~~ on an as-needed basis with new Portland Water Bureau-owned meters at ~~no~~ the City's expense ~~to the owner~~.

All annexed services ~~will~~ beare required to meet ~~the~~ backflow protection requirements, as detailed in Section 21.12.320 ~~"Contamination of the City Water Supply and Requirements for Backflow Protection."~~ All costs ~~of adding~~ associated with providing currently approved backflow protection ~~shall~~ beare 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 or occupant of the premises, tenants~~ or others, the Portland Water Bureau ~~will~~ must repair the meter and charge the ~~bill against~~ repair costs to the property served ~~tenants~~ or to the person or persons responsible for the damage. ~~The cost of the repairs shall be~~ is as prescribed in the ~~annual water rate ordinance~~ 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. ~~It is unlawful to block meter access.~~ 24 hours a day.

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**A.** It is unlawful for ~~any person~~anyone to ~~store~~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 ~~6-5~~ feet of any water meter, gate valve, or other appliance in use on any water meter connection of the Portland Water Bureau. ~~It is unlawful to park; 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 ~~water~~ connections, the property owner is responsible for the following:

- 1.** A safe passageway ~~must be~~ maintained by ~~the occupant~~all occupants of the premises;
- 2.** Maintain the premises free and clear of obstructions from the entrance of the ~~building~~premises to the meter. ~~Shrubs and landscaping shall not obstruct reading of the; and,~~
- 3.** The meter. ~~Any~~ being accessible, not blocked by shrubs or landscaping or equipment.

**C.** The Portland Water Bureau may trim or remove any obstructions ~~may be trimmed or removed by the Bureau~~, and the property owner or ~~occupant~~tenants and the premises may be charged as prescribed in ~~the finance regulations, Title 5 of the Portland City Code~~ Title 5, Revenue and Finance.

**21.12.300 ~~Shut-Off~~Shutoff Because of Defective ~~Installation of Meters~~Water Meter or Water Service.**

~~Whenever~~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 meters inside the City are found by the Bureau to be without-meter is defective may include, but are not limited to, the lack of adequate support, or with; defective plumbing, or without; lack of shut-off equipment necessary to permit meter tests by the Portland Water Bureau, or where through; wear due to earth movements or; subsidence; pipe bends; or faulty or loose connections have become faulty or are not tight, then the

The Portland Water Bureau ~~shall~~will notify the property owner or tenant to remedy the ~~condition~~defect on the property owner's or tenant's side of the meter within 10 days from

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the date of notification. ~~Where the notice has been given specifying the repairs or alterations to be done, then if~~ the repairs or alterations are not completed within the time ~~allowed specified~~, the water service ~~shall~~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 ~~and/or~~ repair any water service meter ~~on service supplied directly or indirectly by the Bureau~~ at any time without ~~application permission~~ from the property owner and for this purpose may, upon notice, temporarily shut off the water. If a meter ~~which that~~ is larger than ~~one~~ inch on City lines requires repairs, the Portland Water Bureau ~~shall~~will give notice to the property owner or ~~users~~tenants and immediately place ~~said 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 ~~"Ownership of Meters."~~

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

~~(Amended by Ordinance Nos. 180120 and 182053, effective August 15, 2008.)~~

~~A. Contamination of the City Water Supply. 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 ~~or pollution, pollutant~~ or contamination of any kind into the City water supply system. ~~As to the reservoir portion of the City water supply system, also see PCC 14A.30.150 Misuse of Reservoirs.~~

B. ~~Backflow Protection.~~ Property owners or users of City water ~~The property owner or tenant~~ may be required to install backflow protection in order to protect the water supply system.

~~1. Authority to Require Backflow Protection. Oregon State Administrative Rules Chapter 333 (OAR 333) require water suppliers to "undertake programs for controlling, and eliminating cross-connections." These programs are for the purpose of preventing pollution and contamination resulting from inadequate backflow protection. These State regulations apply to "Community Water Systems" which include the City of Portland's water system. Through this section the Bureau adopts by reference OAR 333. The Bureau's detailed requirements are found in the document entitled "Backflow Assembly Installation Requirements" and is available from the Bureau. Backflow prevention assemblies are approved for use in Oregon by the State of Oregon (see "Approved Backflow Prevention Assembly List" available from the Bureau and the State of Oregon). As required by OAR 333, the Bureau shall require~~ operates a premises isolation cross-

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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 ~~cannot~~may not be readily made; or<sub>2</sub>
  - c. ~~there~~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.

2. ~~Requirements for Testing Assemblies and Maintaining Backflow Protection.~~ 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 ~~if~~whenever the assembly is moved or repaired. ~~Assemblies must also be tested at least once a year, on a schedule to be determined by the Portland Water Bureau, or more frequently as determined~~deemed necessary ~~by the Bureau to provide~~ensure adequate backflow protection. ~~is achieved. Tests shall~~must be performed by a tester who is certified by the State of Oregon. ~~Copies of the test results shall~~must be provided to the ~~water user or the property~~ owner ~~of the premises~~ and to the Portland Water Bureau. ~~Backflow prevention~~

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assemblies ~~which~~that are not functioning properly ~~shall~~must be repaired promptly and retested or replaced. ~~The water user or property owner and the owner of the backflow assembly will be, 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. ~~Authority to Deny or Discontinue Service When Backflow Protection is Inadequate. As required by OAR 333, where the~~the Portland Water Bureau has reasonable cause to believe that an existing ~~or~~ potential cross-connection is located on a ~~user's~~property owner's premises, the Portland Water Bureau ~~shall deny or discontinue will terminate water service to the premises. The Portland Water Bureau may also deny or discontinue water service to a premise~~premises whenever an assembly it is found to be 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. Service shall and retested.

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

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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.**

(Added by Ordinance No. 182053; amended by Ordinance No. 185346, effective June 22, 2012.)

A. Easements: The Chief Engineer has sole and the Administrator have authority to approve, accept and amend on behalf of the City Council easements, permits, rights of way, former rights of way and related documents needed for the construction and management of the water system of the City of Portland when payment or of consideration to the property owner and/or affected party does not exceed the limits set forth in City Charter Section 8-104, two hundred thousand dollars. The Chief Engineer has sole and the Administrator have authority to release easements, permits, rights of way, former rights of way and related documents no longer needed for public water system purposes. For street vacations or non-exclusive Portland Water Bureau easements, such release by the Chief Engineer or Administrator will not impair the needs simply the release of easements and interests of other bureaus or 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. Real Property Excluding Easements: When acting Acting jointly, the Chief Engineer and the Administrator may approve, accept and amend on behalf of the

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City Council deeds, contracts, and related documents for to purchase real property interests, excluding easements, needed for the construction and management of the water system of the City of Portland in fee when payment or of consideration to the property owner and/or affected party does not exceed the limits set forth in City Charter Section 8 104. two hundred thousand dollars. The Chief Engineer and the Administrator of the Portland Water Bureau may dispose of other real execute documents necessary to sell fee property interests and related documents 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. Lease and License Agreements:—The Administrator or Chief Engineer may approve, accept, and amend on behalf of the City Council grant easements, leases, and licenses, permits, or other similar agreements for use by others of on Portland Water Bureau property upon such reasonable terms and conditions as the Administrator deems to be in the best interest of the City and when approved as to form by the City Attorney.

**21.12.340 Identification of Meter Readers and Inspectors.**

(Added by Ordinance No. 182053; amended by Ordinance No. 189256, effective December 21, 2018.) Each employee of the Portland Water Bureau going onto private premises 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 shall must wear identification from the Portland Water Bureau in a conspicuous place upon the exterior of their clothing. —The identification will must be shown upon demand of any property owner, tenant or person in charge of the premises entered.

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**CHAPTER 21.16 - RATES AND CHARGES**

**Sections:**

- 21.16.010 AnnualSetting Water Rates.  
21.16.020 Annual Statement To Be FiledPortland Water Bureau Finance Reporting Requirements.  
21.16.030 Billing Responsibility.  
21.16.040 Delinquent Utility Bills.  
~~21.16.070 Work Orders.~~  
21.16.080 Dates and Places of Payment.  
21.16.090 Deposit and Application.  
21.16.100 Deposit of Money Received.  
21.16.110 Portland Water Bureau May Contract for Collection of Revenues.  
21.16.120 Collections, Adjustments and Refunds.  
21.16.130 Adjustments on Account of Leaks.  
21.16.140 Authority to Estimate Bills.  
21.16.150 Testing Meters.  
21.16.160 Service Installation Fees.  
21.16.170 System Development Charge.  
21.16.180 Water Connection Assistance.  
21.16.190 Charges for Water Used ~~to Extinguish~~Through a Fire Protection Service.  
21.16.200 Charges for Unauthorized Use ~~of Fire Protection Service – Fire~~.  
21.16.220 Billing and Collection for Others by Contract.

**21.16.010 AnnualSetting Water Rates.**

~~The~~Each year, Portland City Council ~~approves and~~ sets water rates for ~~each~~the coming fiscal year ~~that will provide an estimated income to equal expenses and debt service relating to water bonds. (Section 11-105 of~~(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). ~~The Bureau prepares the proposed annual water rate ordinance and the City Attorney reviews the ordinance. The Bureau files the ordinance with the Auditor not later than May 20 of each year, Section 11-105.~~

**21.16.020 Annual Statement To Be FiledPortland Water Bureau Finance Reporting Requirements.**

~~(Amended by Ordinance No. 189256, effective December 21, 2018.)~~ An annual detailed statement of its income and expenditures shall be made and ~~signed by the Administrator and shall be filed with the Auditor, who shall preserve the same among Auditor's Office files. This annual report shall include a statement of the financial condition and pertinent engineering data of the Bureau of Water Works~~included in the City's Comprehensive Annual Financial Report.

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**21.16.030 Billing Responsibility.**

~~(Replaced by Ordinance No. 182053; amended by Ordinance Nos. 185521 and 189256, effective December 21, 2018.) The ratepayer responsible for payment of water charges shall be the property owner as verified in county tax records, the water user occupying the property, or the party otherwise in possession or control of the property. A property owner may become obligated for charges for furnishing water to the user by accepting responsibility for payment thereof or by agreement with the Portland Water Bureau. Water charges are billed daily, regardless of whether the property has no-~~ 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 or if the structure is occupied or vacant. The property owner, or the party otherwise in possession or control of the property, is responsible for all water charges while a, even if the property is vacant.~~

~~When a single one meter serves multiple dwellings or living units at a property, the property owner(s) shall be responsible for the charges related to water use at the premises unless a party who is not the owner confirms with the Bureau the acceptance of that responsibility in a manner that conforms with Bureau policy.~~

~~Either a property owner or a renter may notify the Bureau of the date to open or close an account for a renter. The Bureau will honor the first date on which the request was received to open or close the account. The Bureau will change this date if agreed to by all other affected parties. The Bureau will not mediate a dispute between landlord and renter regarding the dates when billing responsibility changes. The property owner is responsible for all water charges when no renter has accepted responsibility for water charges. If neither a renter nor owner notifies the Bureau that a renter has left tenancy and the Bureau determines by a visit to the property that the property is vacant, water charges shall commence on that date and shall be applied to the ownerpayment. 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.~~

~~Where~~

~~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~~

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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 a delinquent bill for one premises, an outstanding balance on an account, the Portland Water Bureau may apply this delinquency shall be a charge against this balance to any of the other ratepayer's accounts the Portland Water Bureau serves. If a ratepayer (for water obtained) has a credit at any of their other premises served by 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 waterCity utility charges until the date the buyer is entitled to possession. If there is a dispute betweenofficially possesses the property. If the seller and the buyer do not agree about the date of possession date, the Portland Water Bureau will use Multnomah County taxation records to verify the legal recording date in county tax records.

**21.16.040 Delinquent Utility Bills.**

(Amended by Ordinance Nos. 179978, 182053 and 189256, effective December 21, 2018.)

A. The Portland Water Bureau shall have the authority to shut off water service to any property when any charge to a ratepayer's account has not been paid within 10 days after that charge is due and payable.

Before water service is shut off for nonpayment the Portland Water Bureau shall giveA. 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 provided by the water user as well as to the mailing address ofbefore shutting water off for nonpayment. The notice shows the planned shutoff date.

The notice also includes information about the property owner, tenant, or the party who has agreed with the Bureau to accept responsibility for payment. Such notice shall state the anticipated date when the water will be shut off, as well as informing the ratepayer of the ratepayer's right to requestchallenge the shutoff through an administrative review, and the procedure for requesting the review, to challenge the shut off process.

It is C. The property owner, tenant, or ratepayer must make sure the obligation of the water user or responsible party to ensure that thePortland Water Bureau has the

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~~most~~their current and most accurate billing address for the user or responsible party. There is no obligation on the part of the Bureau to determine if the address provided is the best or the most current address.

~~Once service is shut off, water shall not be provided again until all outstanding obligations for water provided to that user have been paid, or arrangements for payments have been made with the. The Portland Water Bureau, including additional charges as established in the annual water rate ordinance, is not responsible for checking addresses.~~

D. The Portland Water Bureau may, but is not obligated to, allow for continuation of water service for a 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 period of time prior to payment of outstanding charges if it is determined that the lack of water will endanger 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 continuation of Portland Water Bureau may decide to continue water service may also be allowed when the delinquent ratepayer is willing to enter into for a specified amount of time.
2. A written payment arrangement satisfactory to the Bureau for payment of for all delinquent amounts on that ratepayer's account. However, if the charges has been accepted by the Portland Water Bureau.

G. If payments are not ~~paid~~made as agreed, ~~then in the water payment arrangement,~~ the Portland Water Bureau may ~~again be shut off water and not turned turn it on~~ again until the outstanding charges are paid in full ~~or arrangements for payments are made with the Bureau.~~

H. The Portland Water Bureau may institute legal proceedings and ~~contract may work~~ with third parties for the collection of delinquent water bills and charges. The Bureau may require that a deposit be made with the Bureau to ensure payment of future water bills and charges. ~~agencies to collect delinquent charges.~~

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~~B. When the I. The Portland Water Bureau collects delinquent bill includes user charges for sanitary sewer and stormwater management services, the Portland Water Bureau shall collect such charges pursuant to Section 21.16.040 charges in the same ways it collects delinquent water charges consistent with the City's debt collection policies.~~

~~When J. If the delinquent bill does not include charges for water service, delinquent user service charges for sanitary sewer and stormwater management services shall be collected by any legal means pursuant to water charges, the City may collect the funds in the ways described in Portland City Code Sections 3.24.020 and 3.24.030.~~

**21.16.050 — Notice for Billing of Rental Property and Responsibility for Charges When Property Is Vacant.**

~~(Repealed by Ordinance No. 182053, effective August 15, 2008.)~~

**21.16.060 — Responsibility for Water Charges When Property Changes Ownership.**

~~(Repealed by Ordinance No. 182053, effective August 15, 2008.)~~

**21.16.070 — Work Orders.**

~~(Amended by Ordinance No. 182053, effective August 15, 2008.) Work orders for main extensions, service connections, and meter installations for which a deposit or charges are or may be made under this Title, shall be established by the Engineering Services Group of the Bureau.~~

**21.16.080 Dates and Places of Payment.**

~~(Amended by Ordinance Nos. 179978 and 182053, effective August 15, 2008.) Charges for water use will be computed, and bills mailed, on a schedule determined by the Portland Water Bureau. The billing schedule will be kept on file by the Bureau. The water bill, with a due date, will be payable at either the Bureau or at authorized locations established by written agreement with the Bureau.~~

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.**

~~(Amended by Ordinance No. 182053, effective August 15, 2008.) An application, deposit, or both, for water service may be required from all new ratepayers, ratepayers whose if the service has been shut off for nonpayment, or those persons with unsatisfactory credit the person responsible for the service have filed bankruptcy and who are requesting service. Unsatisfactory credit is defined as not meeting credit and collection industry standards or having service shut off for nonpayment of water or sewer charges within the past~~

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~~year-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.

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**21.16.100 Deposit of Money Received.**

~~(Amended by Ordinance No. 182053, effective August 15, 2008.) All monies collected or received by the The Portland Water Bureau for the use and consumption deposits all of water or otherwise will be deposited with the money it receives into the bank designated by the City Treasurer of the City.~~

The Treasurer ~~shall keep the same separate and apart from the other-keeps water funds of the City in funds to be known as (called the Water Fund and, the Water Construction Fund, and pay it out 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, and not otherwise.~~

**21.16.110 Portland Water Bureau May Contract for Collection of Revenues.**

~~The Commissioner-in-Charge of the Portland Water Bureau and the Auditor are hereby authorized to enter into contracts for periods not to exceed 5 years with such persons or corporations as may be selected by the Administrator for the may contract with collection agencies to collect water revenue for the using standard City. The contracting practices. These contracts shall provide may last up to five years.~~

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

~~The contracts shall must require that a bond be furnished by the collection agent or the City, at the City's City's option, the premium for such bond may be paid for by the City. The bond shall be conditioned upon the performance of such contract, and shall be in such form as may be satisfactory to the Administrator and the City Attorney.~~

**21.16.120 Collections, Adjustments and Refunds.**

~~(Amended by Ordinance Nos. 179978, 182053 and 189256, effective December 21, 2018.) Water user charges will be computed monthly, bimonthly or quarterly and billed by the Portland Water Bureau.~~

~~All payments for water user charges shall be made to, and adjustments and refunds made by, the Portland Water Bureau. The Bureau shall ensure that charges and credits are posted to ratepayer accounts.~~

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

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**B.** ~~The Portland Water Bureau may make adjustments~~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 where it is deemed necessary for the proper conduct of the business of the Bureau. Adjustments shall be in the form of credits or additional charges to.~~

~~To make an active account. When the adjustment is a,~~ the Portland Water Bureau must either credit to a ratepayer who has no active account, a refund shall be issued if the ratepayer can be located or charge an account.

~~When a billing error occurs, the~~**C.** The Portland Water Bureau may authorize an adjustment of the water service account to correct the error. Adjustments may not exceed a period of (a charge or credit) after a billing error. The Portland Water Bureau may only adjust bills within three years from the date the Bureau received notice of the error. Eligibility for an adjustment on an account shall end six months after the date a final bill was issued for that account.

~~If a current ratepayer was not billed because the~~after the Portland Water Bureau was not notified of the ratepayer's responsibility for payment, the Bureau shall issue the bill from the date the ratepayer became responsible for the bill as described in Section 21.16.030 Billing Responsibilityaware of the error.

**B.** ~~Water system ratepayers who receive a back billing or a delayed billing will be offered the opportunity to pay the balance due over a period of time based on current City collection policies.~~

**C.** ~~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 ~~establish~~create administrative rules with the Bureau of Environmental Services governing the adjustment, refund or waiver of user charges including but not limited toregarding adjustments, refunds or waivers of sanitary sewer and stormwater management ~~services~~charges.

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**21.16.130 Adjustments on Account of Leaks.**

~~(Amended by Ordinance Nos. 179978 and 182053, effective August 15, 2008.) Bill adjustments after leaks. The Portland Water Bureau may make adjustments to water use charges where reduce a bill that was high because of a leak exists in. To get a leak adjustment, the water system on the property side of the meter. Reasonable efforts ratepayer must be made take the following steps after being notified of high usage:~~

- ~~A. Find the leak and start repairs within 30 days after or shutoff water to the leak was detected to locate the leak and initiate repairs and have area; and,~~
- ~~B. Finish repairs completed within 90 days of notification or keep water shutoff to the leak area.~~

**21.16.140 Authority to Estimate Bills.**

~~(Amended by Ordinance No. 182053, effective August 15, 2008.) When a meter fails to register accurately, If the meter is not working or is unreadable the Portland Water Bureau shall may charge for water based on the historic usage of water at the premises. Estimated property's past water use. The Portland Water Bureau may estimate bills may also be issued if a:~~

- ~~A. The meter reading cannot be recorded because the meter is inaccessible due to, but not limited to, does not register accurately; or,~~
- ~~B. The meter reader may not have access the meter. This may happen because of inclement weather, overgrowth or other obstruction; failure to locate; or, something blocking the meter, an inability to find the meter or illegal usage bypasses the meter. Adjustments to the estimated bill shall be made consistent with water use bypassing the provisions of Section 21.16.120 "Collections, Adjustments and Refunds." meter.~~

**21.16.150 Testing Meters.**

~~(Amended by Ordinance Nos. 182053 and 189256, effective December 21, 2018.) When any water A. If a ratepayer makes a complaint requests that the bill for any particular billing period is excessive Portland Water Bureau check the accuracy of the water use reported on their bill, the Portland Water Bureau will, upon request, reread the meter and inspect the service for leaks. Should~~

~~If the ratepayer then desire requests that the Portland Water Bureau test the meter be tested, the ratepayer shall make must submit a deposit as prescribed in the annual water rate ordinance to cover the test cost. The cost of making the test. If the tested meter is found to register 3% in the Annual Rates Ordinance.~~

- ~~B. If the meter registers 3 percent or more higher than the actual water flow through the meter, Portland Water Bureau must refund the deposit will be refunded and the~~

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~~Bureau shall estimate the excess consumption and make an adjustment in the form of, estimate how much the ratepayer has been overbilled and issue a credit on the bill immediately preceding and/or. The credit may appear on the current bill. In such instances or the most recent bill. The Portland Water Bureau shall will also repair or replace the meter.~~

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- C. ~~If the tested meter is found to read registers within 3 %percent of the actual water flow through, the meter, thePortland Water Bureau will keep the deposit to cover the expense of the test.~~

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### 21.16.160 Service Installation Fees.

~~(Amended by Ordinance No. 189256, effective December 21, 2018.) The fees for installing and/or activating water service up to and including 1 inch in size shall be as provided in the annual water rate ordinance and shall be paid prior to service installation. The fees for installing services greater than 1 inch shall be based on the Bureau's costs plus overhead, as provided in the finance regulations, Title 5 of the Code of the City of Portland. The applicant may choose to pay either a set price based on the Bureau's estimate or the actual cost of the installation. If the applicant accepts the Bureau's estimate as the set price these costs must be paid before the Bureau will perform the work. After a set price has been established, the Bureau will not refund or adjust installation charges unless changes in installation or location are requested by the applicant.~~

~~If the applicant chooses to pay the actual costs plus overhead, the applicant shall submit a deposit equal to the estimated cost before the Bureau will begin the work. When the estimated cost differs from the actual for labor, materials, and overhead the deficit shall be charged to the applicant or any excess payment shall be returned to the applicant.~~

~~In addition to the service installation fees, an applicant for new service must pay the System Development Charge, as described in Section 21.16.170 "System Development Charge" and as set in the annual water rate ordinance. If the service branch has been installed by a developer as allowed in Section 21.12.110 "Installation of Service Pipes from the Main to the Property Line," the applicant will be charged for only the applicable system development charge and any charge for service activation as set in the annual water rate ordinance.~~

~~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~~

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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.**

(Amended by Ordinance Nos. 182053, 183448, 189050 and 189323, effective December 19, 2018.) ~~An applicant~~ Anyone applying for a new water service connection or increase in the size of an olda larger existing connection within the City limits shallmust pay a system development charge. The System Development Charge will be based upon calculations provided for in(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 annual water rate ordinance. New Water Service Connections solely for firenew service is installed.

Services where SDC's are waived:

- A. Fire protection purposes and affordable
- B. Affordable housing pursuant to Section 30.01.095, shall be exempt from payment of the System Development Charge. A System Development Charge shall not be assessed for a temporary service (see Section 21.12.090 "Permit for
- C. Temporary Service") or for mass shelters, short
- D. Mass shelter
- E. Short-term housing, and certain
- F. Certain types of accessory dwelling units (Seeunit

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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.**

~~(Replaced by Ordinance No. 181715; amended by Ordinance No. 183447, effective July 1, 2010.)~~ The City may provide water connection assistance to eligible property owners or tenants with separate meters based on criteria established each year ~~by City Council~~ in the Annual Rate Rates Ordinance. The Administrator may adopt administrative rules and procedures necessary to implement the water connection assistance criteria described in the Annual Rate Rates Ordinance.

The City may grant give payment deferrals and loans to property owners ~~to finance City or tenants for water system development charges, as provided in City Code Chapter 17.14 Financing Systems Development System Development~~ Charges. The Administrator may adopt administrative rules and procedures ~~necessary to implement the deferred payment for these deferrals and loan programs~~ loans.

### **21.16.190 Charges for Water Used ~~through~~ Through a Fire Protection Service.**

~~(Amended by Ordinance No. 182053, effective August 15, 2008.)~~ ~~No~~ The Portland Water Bureau ~~may not~~ charge ~~shall be made for~~ water used to extinguish a fire. ~~Except as otherwise noted in this section, a property owner may use water from the City to test the fire protection system. Water used to~~

~~For pressure test a fire protection system will be registered on detector check metered firelines, or estimated on unmetered firelines. Flow testing a fire protection system requires that the Bureau install a metering device on the service to register the water used. , the Portland Water used for testing a service for fire protection shall be charged at the commodity rates prescribed in the Water Rate Ordinance, as annually adopted by the City Council. Sewer charges will normally not be assessed for water used to test a fire protection system. Testing that results in a volume Bureau charges based on either the amount of water that used (if there is determined 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 subject that service to a sewer also charge for sewer.

Testing of a fire

Fire service may not testing must be conducted in a manner done carefully so that will degrade it does not interfere with the public water system. Flow Anyone testing through a fire service shall must follow these rules:

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### Exhibit A

- A. Flow testing must not reduce the pressure in the main to less than 50% percent of the maximum static pressure ~~and shall in no case~~.
- B. Flow testing must not reduce the pressure in the main below 30 lbs per sq. in. In this regard, prior to psi.
- C. Before testing large flows, the individual conducting the test shall tester must consult with the ~~Bureau to~~ Portland Water Bureau. Together, the tester and the Portland Water Bureau must determine flow limits of flow and make a plan for limiting impacts to develop methods that may mitigate any detrimental effects on the public water system. Repeated testing of

If a fire service is repeatedly tested in a way that violates a Portland Water Bureau-approved testing program policy or affects the average daily water system conditions by more than allowable will result in a reclassification of the the Portland Water Bureau allows, the Portland Water Bureau will reclassify the type of service and the collection of collect a System Development Charge.

#### 21.16.200 Charges for Unauthorized Use of Fire Protection Service – Fire.

(Amended by Ordinance No. 182053, effective August 15, 2008.) A fire. A service - fire is to be used to extinguish only for extinguishing fires and testing the fire system and is specifically may not to be used for domestic, maintenance, or irrigation purposes. (See water. Refer to Section 21.12.220 “Fire Protection Service.”).

There are progressively increasing charges B. The Portland Water Bureau may fine a person for unauthorized service-fire line use of water supplied through firelines. There is a commodity charge of three times the normal rate for water for the first. The Portland Water Bureau charges more for each use of unauthorized use, and ten times the normal rate for all later unauthorized uses, water through a service-fire line. If unauthorized use continues, the Bureau shall install a Portland Water Bureau installs a meter and bills the property owner for the full flow meter and bill the property owner for the full costs cost of the meter as well as, its installation and System Development Charges. These policies and procedures are further detailed in the annual water rate ordinance Refer to Annual Rates Ordinance for more information on service-fire line charges.

#### 21.16.210 Billing and Collection of Sewer User Charges.

(Repealed by Ordinance No. 182053, effective August 15, 2008.)

#### 21.16.220 Billing and Collection for Others by Contract.

The Portland City Council may create contracts for the Portland Water Bureau may to bill and collect for user fees and services provided by other public and private entities as established by contracts approved by City Council. All. When the Portland Water Bureau

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collects for another entity, it deposits the revenue ~~collected for other entities will be~~  
~~deposited in a~~ separate accounts.

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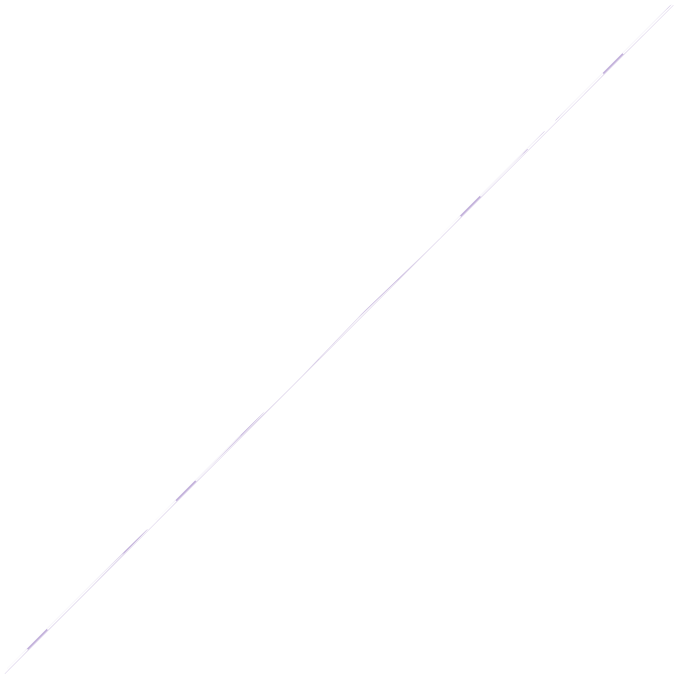
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**CHAPTER 21.20 - TURNING ON OR  
SHUTTING OFF**

**Sections:**

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

**21.20.010 Application ~~To~~ Turn On Water.**

~~Applications to turn on water must be~~An application signed by the ~~property~~ owner and ~~tenant or authorized~~ agent of the property involved ~~and must be filed with the Bureau~~ before ~~they it may~~ become effective.

**21.20.020 ~~Requesting~~ Temporary ~~Shut Off~~Shutoff.**

~~(Amended by Ordinance Nos. 179978, 180917 and 182053, effective August 15, 2008.)~~  
~~An A property~~ owner or tenant may request ~~by telephone, in writing, or in person that the~~ Bureau temporarily ~~discontinue a temporary stop in~~ water service. ~~Fire protection by calling or emailing the Portland Water Bureau Customer Service.~~

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

Base charges ~~will~~ continue ~~to accrue~~ during temporary ~~shut off~~shutoffs.

**21.20.030 Unlawful ~~To~~ Turn On Water Without Authority.**

It is unlawful to use ~~(or permit allow someone to use of City)~~ water ~~through a service that the Portland Water Bureau has been shut off or not yet activated.~~

~~Should the~~  
~~If water be~~s turned on without ~~authority from the Portland Water Bureau approval~~, the Portland Water Bureau may ~~stop~~shut the water service ~~either by shutting off and enforcement actions may be taken against the water at violators.~~

~~If the main, Portland Water Bureau shuts off service (by removing the meter, or by any other appropriate method 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 charge for removing the meter and the charge for replacing the meter shall be in accordance with the annual water rate ordinance. The charge for stopping water service by any other method and the charge for subsequent restoring of the water service, shall be as provided in the Title of the City Code which addresses finance regulations. All such~~

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charges shall be charged to the user and when the delinquent user occupies the premises, water shall not again be furnished to the premises until the charges are paid.

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 Permit/Portland Water Bureau Approval.**

When premises or additional premises areIf a service pipe is connected without the application prescribed in Section 21.20.010 "Application to Turn On Water," the premises may be charged as prescribed in the annual schedule of water rates and the service may be shut off by order of the a permit, the Portland Water Bureau may charge for service and the Administrator. In case water shall be turned off as provided in this Section, the same shall 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 againstfor the premiseservice have been paid-in full.

**21.20.050 Authority Toto Shut Off Service.**

(Amended by Ordinance No. 182053, effective August 15, 2008.) The Bureau reserves the right at any time, without notice, toThe Portland Water Bureau may shut off the water supplyservice:

- 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 repairs, extensions or any other reason. The Bureau shall not be responsible for anyproperty damage, such as the caused by a shutoff. Damage may include bursting of boilers, the-breaking of any pipes or fixtures, stoppage, or problems arising from interruption of the water supply, or any other damage resulting from the shutting off of the water.

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**CHAPTER 21.24 - RULES AND  
REGULATIONS**

**Sections:**

- 21.24.020 Fire Hydrants.
- 21.24.030 ~~Water for Naval Vessels in Harbor~~ Accessing Water.
- 21.24.040 Access to Premises for Inspection.
- 21.24.050 Unlawful to Damage, Alter, or Tamper with Water Property.
- ~~21.24.060 Emergency Loan of Materials.~~
- 21.24.070 Impairment of Service to Other Properties.
- 21.24.080 Administrative Rules, Procedures and Forms.
- 21.24.090 Enforcement.

~~21.24.010 Animals Prohibited on Watershed or City Property.  
(Repealed by Ordinance No. 183540, effective March 12, 2010.)~~

**21.24.020 Fire Hydrants.**

~~(Amended by Ordinance Nos. 180917, 181715 A. Who may use fire hydrants. Employees of the Portland Water Bureau and 189256, effective December 21, 2018.) 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 for any person to operate, alter, change, remove, disconnect, connect with, to or interfere in any manner with any fire hydrant owned or used by the City without first obtaining written permission from the Portland Water Bureau. Penalties. The Annual Rates Ordinance includes penalties for unauthorized use of a fire hydrant are set in the annual water rate ordinance. The provisions of this Section shall not apply to Portland Fire & Rescue of the City fire hydrant use.~~

~~Public fire hydrants are available for use of the Fire Department in the suppression of fire within the City. No other use of public hydrants shall be allowed except as provided in this Section and in Section 21.12.090 "Permit for Temporary Service," and 21.12.100 "Annual Fire Hydrant Permit." B. The Portland Water Bureau may permit short term use of specified hydrants for activities such as tree spraying, street cleaning, ditch settling, building demolition, and related uses at the discretion of the Administrator, however, in each instance, a permit is required. A Temporary Permit may be issued by the Portland Water Bureau for a period not to exceed 90 days, and an Annual Permit shall be issued for issues temporary and annual fire hydrant permits. A temporary permit lasts up to 90 days; an annual permit lasts up to one year. Upon application When a person applies for a permit, the permittee person must present bring a Chapman-type (slow-closing) gate valve to the. The Portland Water Bureau to be tagged must tag the valve with a valid permit~~

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listing ~~applicant's~~the person's name, ~~the permit~~ expiration date, and ~~authorized~~the locations. ~~The permittee shall be~~ 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 ~~compliance with~~following all ~~city~~City, state, and federal rules, regulations, and guidelines ~~regarding the proper use and disposal of water.~~ Rates and charges for usage will be specified in the annual water rate ordinance. Backflow protection shall be required on all potential hazards to the public water supply as determined by the Administrator or Chief Engineer for using and disposing of water.

~~All fire hydrants connected to the Portland Water Bureau's water system within the City and within the public right of way or an approved easement are the responsibility of the Portland Water Bureau for installation and maintenance. Any hydrant connected to the system outside the City must be installed at the petitioner's expense, but shall be maintained by the Portland Water Bureau. The petitioner shall be required to pay all expenses for additional hydrant installations to meet requirements of Portland Fire & Rescue and in all instances the Chief Engineer shall have final review and approval authority.~~

~~The Portland Water Bureau may elect to allow a contractor to install to Portland Water Bureau standards, fire hydrants as part of the contractor's Subdivision under Section 21.08.020 "Distribution Main Extensions Inside the City." The developer must install these hydrants at their own expense and transfer ownership to the Portland Water Bureau at such time as the main and appurtenances are accepted by the Portland Water Bureau to become part of the City system.~~

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.

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**21.24.030 Water for Naval Vessels in Harbor Accessing Water.**

~~(Amended by Ordinance No. 180120, effective June 9, 2006.)~~ The Portland Water Bureau is authorized to furnish water to any visiting naval war vessel of the United States or to any visiting naval war vessel of any foreign country entering the harbor in the City that docks in the city, without payment. All such connections shall 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 shall have free access, at proper hours of the day, to all parts of may enter buildings and premises for the purpose of inspecting to inspect the condition of the water pipes and plumbing fixtures to determine whether cross-connections or other structural or sanitary hazards exist, to the water systems and the manner in which the water is being used. Whenever the property owner of any premise supplied by the Bureau restrains refuses access to authorized City Portland Water Bureau employees from making such necessary inspections or refuses access therefor, 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, without authority from the Bureau, to willfully damage, connect to, operate, alter, or otherwise tamper with any City water main, service, meter, meter box, hydrant, valve, or any other facility owned or operated by the Bureau.

**21.24.060 Emergency Loan of Materials.**

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

**21.24.070 Impairment of Service to Other Properties.**

~~(Amended by Ordinance Nos. 182053 and 189256, effective December 21, 2018.)~~ Where the Some properties use of water is intermittent or where such use produces extreme only intermittently, which may cause fluctuations in volume or fluctuations that may impair service to and pressure for other properties, the or tenants. The Portland Water Bureau may require a property owner or their agent to provide, at 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's expense, suitable equipment owner needs to reasonably limit fluctuations in use and pressures buy and install a Portland Water Bureau approved backflow prevention assembly.

**21.24.080 Administrative Rules, Procedures and Forms.**

~~(Added by Ordinance No. 181715, effective April 2, 2008.)~~

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- A. The Administrator ~~of the Portland Water Bureau~~ 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. ~~Any adoption~~Adoption, amendment or repeal of a rule pursuant to this ~~section~~Section requires a public review process ~~followed by the public hearing~~. Notice ~~shall~~must be published in a newspaper of general circulation in the Portland metropolitan area ~~not less than forty-five, nor more than sixty, and other targeted media~~ 30 days before ~~such~~the public ~~review process~~hearing. The notice ~~shall~~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. ~~Forty-five~~Thirty days after ~~publication of the public~~ notice, a public hearing will be held, and the Administrator ~~shall~~must record and post oral and written testimony concerning the proposed rule(s) given at ~~at~~ the public hearing. ~~The Administrator has the power to~~ establish and limit the matters to be considered at the hearing, ~~to~~ prescribe procedures for conduct of the hearings, ~~to~~ hear evidence and ~~to~~ 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 ~~shall either, must~~ adopt ~~the proposal~~, modify or reject ~~it~~ the proposal.
- ~~E.~~ Unless otherwise stated, all rules are effective upon adoption by the Administrator of the Portland Water Bureau and ~~shall~~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) shall~~must be ~~published in a newspaper of general circulation in~~ posted online on the Portland metropolitan area Water Bureau's website with a hyper link to the official link in the City's Auditor's website for adopted Administrative Rules within ~~fourteen~~14 days of adoption.
- F. Notwithstanding ~~paragraphs~~Paragraphs B. – E. of this ~~section~~Section, an interim rule may be adopted without prior notice ~~upon a finding by or public process when~~ the Administrator finds that failure to act promptly ~~shall~~may result in serious ~~prejudice~~harm to the water system or to the public interest. Any rule adopted pursuant to this paragraph ~~shall~~must be effective for no longer than ~~180~~365 days.

**21.24.090 Enforcement.**

(Added by Ordinance No. 181715, effective April 2, 2008.)

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~~A. Persons~~Any person who fail to comply with~~does not follow the requirements or prohibitions of rules in Title 21 or rules adopted under Section 21.24.080 are is~~ subject to City of Portland enforcement actions by the City of the Portland.

**A. B. Violations,**

1. A violation occurs when ~~any~~a person does not comply with a requirement or prohibition of Title 21 (or rules adopted ~~under as described in~~ Section 21.24.080 ~~are not complied with.~~).
2. Each ~~separate occasion is considered a separate violation is separate.~~ The Portland Water Bureau ~~shall~~may issue ~~only one~~ enforcement action per violation per ~~prohibited use per day.~~

**~~C.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.~~ 2. Issue notices of violation and orders to comply;
- ~~3.~~ 3. Institute an action before the Code Hearings Officer;
- ~~4.~~ 4. Impose civil penalties, in an amount not to exceed \$500 per day or as ~~otherwise specified elsewhere in Title 21 or the annual rate ordinance.~~ These penalties shall be Annual Rates Ordinance. Penalties are imposed for each day a violation continues to exist against any individual or business ~~who~~that does not comply with the provisions of this Title. ~~Each failure to comply shall be deemed a separate violation;~~
- ~~5.~~ 5. Order the installation of facilities required by this Title as a condition of providing water service; ~~or.~~
- ~~6.~~ 6. Terminate water service.

**~~D.~~ Appeal of enforcement action. C.** A ~~water user~~property owner or tenant may appeal the Administrator's action within 30 days ~~from~~of the date the notice of enforcement is mailed, in accordance with procedures and timelines set out in Title 22 of ~~the~~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.

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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.

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**CHAPTER 21.28 - OUTSIDE CITY SERVICES  
AND WHOLESALE DISTRIBUTORS**

(Chapter replaced by Ordinance No. 182053,  
effective August 15, 2008.)

**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 furnish supply water to properties outside the  
Portland city limits, charging rates fixed by the Council in the annual water rate  
ordinance. The Portland Water Bureau reviews applications for these types of  
services to make sure they meet state law and water system standards.

~~B. Subject to the provisions of Section 21.12.010 "Service to Property Adjacent to~~  
~~Water Main," Section 21.12.270 "Ownership of Meters," Customers inside and~~  
~~Section 21.12.320 "Contamination of the outside Portland city limits follow the~~  
~~same Portland City Water Supply Code and Requirements Portland policy rules.~~

The Administrator may make other reasonable conditions for Backflow  
Protection," these services.

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

~~C. Each individual applicant for a water service connection outside of the City shall~~  
~~make application to the Water Bureau upon a form containing the following~~  
~~agreement:~~

"Application is hereby made by the owner of the property address 1.  
Section 21.12.010 (rules for services)

2. Section 21.12.270 (rules for a water meters)

3. Section 21.12.320 (rules for backflow prevention)

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C. Applicants applying for an individual service connection outside the City of Portland, Oregon, 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.

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~~If this service is allowed it will be a special contract service. The ratepayer at the premises described above shall pay the rate listed in the annual water rate ordinance for service outside the Portland city limits.~~

~~The quantity of water supplied by this service may be reduced or the service entirely discontinued at any time for any reason by order of the Administrator, including circumstances under which water apportionment is ordered per City Code Section 21.32.010. Except when limitations are imposed under City Code Chapter 21.32 or in case of emergency, the Administrator shall 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' notice in writing days before the service is discontinued. ThatIn an emergency or water shortage, less notice is to may be given. The notice is delivered at the premises or property and at the last known address of the owner."ratepayer.~~

Refer to water curtailment: City Code Section 21.32.010.

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

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E. During anyIn an emergency, the Portland Water Bureau may, ~~consistent with and subject need to existing contractual obligations, apportion the available~~ water supply in that manner which appears most equitable under the circumstances then prevailing and with due consideration for publicto satisfy ratepayers' diverse needs, considering:

1. Public health and safety.

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F. Ratepayers located outside City boundaries are subject to all applicable provisions of City Code Title 21 and the Portland Policy Documents. The Administrator may make their service subject to any other reasonable conditions the Administrator deems appropriate or proper.

2. Equity.

3. Contractual obligations.

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

~~When authorized by contract to do so, the Portland Water Bureau may furnish water to wholesale distributors, as defined in Code Section 21.04.120, within and without City boundaries. The Mayor and the Commissioner in Charge of the Bureau may enter into and execute contracts or agreements to supply water to wholesale distributors, subject to relevant provisions of the Charter and in accordance with the rates established by the Council.~~

Subject to ~~its~~ contractual obligations, the Portland Water Bureau may ~~suspend~~ temporarily ~~suspend~~ the delivery of water for the purpose of making repairs or improvements to its system, and, during ~~any~~ emergency, the Portland Water Bureau may ~~apportion~~ ration the available water supply ~~in that manner which appears most equitable under the circumstances then prevailing and with due consideration for public health and safety.~~

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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.

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**CHAPTER 21.32 - WATER CONSERVATION  
MEASURES CURTAILMENT POLICY**

(Chapter replaced by Ordinance No. 182053,  
effective August 15, 2008.)

**Sections:**

21.32.010 Water ~~Supply and~~ Curtailment Policy.

**21.32.010 Water ~~Supply and~~ Curtailment Policy.**

~~It is the policy of the City of Portland through the Portland Water Bureau to provide clear, healthful, and plentiful water. Circumstances beyond the City's control, however, including weather conditions, natural catastrophe or the actions of others on the City's water supply system or sources may make it necessary to apportion the City's water. When 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 exists or is an imminent water shortage; or any other;~~
- ~~2. An emergency arises or is imminent which threatens to disrupt or diminish the municipal the water supply, the City may allocate water among users. In doing so, the City shall allocate water or curtail the.~~

~~B. Before requiring curtailment, and to determine how much the community must reduce water use of water taking into account such issues as public, the Administrator must consider:~~

- ~~1. Public health and safety, community;~~
- ~~2. Equity;~~
- ~~3. Community economic conditions, the;~~
- ~~4. Water system financial and operational needs of the water system, and existing wholesale contractual;~~
- ~~5. Contract obligations. The to wholesale providers.~~

~~C. To establish the curtailment program, the Administrator of the Portland Water Bureau may, consistent with this section, adopt, amend, or rescind rules,~~

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**TITLE 21**  
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~~procedures, and forms to establish a water allocation or curtailment program to be implemented in times of actual or imminent water shortage or emergency. Such rules shall be promulgated under the procedures described in City Code 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.

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CHAPTER 21.35 - WELLHEAD  
PROTECTION

(Chapter added by Ordinance No. 177668, effective  
July 1, 2003.)

Sections:

- 21.35.010 ~~Establishment of~~ Wellhead Protection ~~Area~~ Authorities.  
21.35.020 Storage, Handling, Use and Transportation of ~~Hazard~~ 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.  
~~21.35.070 Inter Agency Cooperation.~~  
21.35.080 Building and Site Permit Review and Approval.  
~~21.35.090 Rulemaking.~~

21.35.010 ~~Establishment of~~ Wellhead Protection ~~Area~~ Authorities.

- A. ~~The Portland Water Bureau of Water Works is authorized to establish~~ 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 of Water Works shall establish~~ 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 shall~~  
~~publish~~ publishes a map of all designated wellhead protection areas, ~~shall certify~~  
~~copies to other city bureaus, and shall make such~~ the maps available to the public  
~~upon request and otherwise take steps, in its discretion, to publicize the availability~~  
~~of the maps and~~ to residences and businesses within the wellhead protection area  
~~areas.~~ The ~~Portland Water Bureau of Water Works~~ Bureau may alter the boundaries of a  
wellhead protection area ~~if when~~ when the information ~~on which existing that the~~  
boundaries are based on changes. ~~Proposed changes~~ Changes to a wellhead  
protection area ~~shall be adopted~~ are made by ~~rulemaking~~ 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.

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- 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.

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

- A. The Portland Water Bureau of Water Works shall have the authority tomay designate materials as hazardous and to require all persons or businesses possessing or using hazardous materials within the wellhead protection area to make annualregular reports to the Portland Water Bureau concerning thestating:

1. The types and ~~quantity~~quantities of hazardous materials stored, handled, used or transported~~, the~~;
2. The storage and containment provisions for hazardous materials; and ~~related;~~
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 ~~location~~locations of drains, capacities of containment systems, drainage utility ~~shut off,~~shutoff and topographical information. ~~If~~

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

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- B. Failure to submit a complete report within the timeframe established in the Reference Manual constitutes a ~~violating~~violation and ~~shall be~~is subject to enforcement ~~pursuant to~~per Section 21.35.050 ~~of this Chapter.~~

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

(Amended by Ordinance No. 180917, effective May 26, 2007.)

- A. ~~Initial standards~~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 ~~concurrently with this Code per Section 21.24.080.~~ The Portland Water Bureau of Water Works ~~shall have the authority hereafter to promulgate~~may adopt rules to set or amend

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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 Bureau's authority to~~ Portland Water Bureau may set standards ~~shall extend to on~~ designation of materials as hazardous to groundwater quality, ~~to; 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 ~~Section of the water code shall be compiled~~ Chapter are in the Reference Manual.

- B. ~~Upon the effective date of this Chapter, existing businesses~~ Businesses and individuals not in compliance with the standards set ~~pursuant to by~~ this Chapter ~~or for the Code, shall~~ 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. ~~Within 15 months of the program effective date, the Water Bureau shall collect information on the number of existing, non-conforming businesses that will be required to upgrade operations to comply with the requirements of Subsection 21.35.030 B. Data gathered by the Water Bureau shall include information on the specific scope and extent of improvements required pursuant to Subsection 21.35.030 B. and shall be collected during routine inspections performed by Portland Fire & Rescue.~~
- D. ~~The Water Bureau and Bureau of Environmental Services shall evaluate collected information, in consultation with affected business and property owners, and business organizations to determine if improvements required by Subsection 21.35.030 B, are protective of water quality within the Wellhead Protection Area and Columbia Slough watershed. The Water Bureau and Bureau of Environmental Services will report to Council the results of this evaluation before January 1, 2005.~~
- E.
1. ~~Site plans or permits for projects to bring existing non-complying operations into compliance with the standards of this Chapter and the Reference Manual shall not be subject to additional review by Bureau of Environmental Services to address source control issues of the City Stormwater Management Manual (SWMM).~~
  2. ~~The exemption from Bureau of Environmental Services review in Subsection 21.35.030 E.1., shall not apply where a business or property owner cannot manage increased stormwater resulting from modifications required to comply with the wellhead protection requirements entirely on~~

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~~site. If such drainage cannot be managed on site and will drain to a City sewer, a City sewer easement, or a City right-of-way, the permit shall have a BES source control review to assess impact to the Columbia Slough which may result in additional source protection measures beyond the Reference Manual Best Management Practices to address the increases in stormwater drainage. The requirements of Subsection 21.35.030 E.2. shall remain in effect until January 1, 2005.~~

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~~Nothing in this provision shall exempt any site plan or permit from stormwater management requirements contained in sections of the Stormwater Management Manual that are not related to source control (source control requirements are currently contained in Chapter 4) or from future source control review criteria that may become required by state or federal law beyond the scope of requirements in the 2002 SWMM.~~

~~Nothing in this provision shall exempt any person from the requirements of City Code Chapter 17.34 related to industrial wastewater discharges to the City's sewer system or from the requirements of the NPDES permit program.~~

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.**

~~(Amended by Ordinance No. 180917, effective May 26, 2007.)~~

A. The Portland Water ~~Bureau of Water Works~~ may conduct inspections of businesses that store, handle, use or transport hazardous materials to ascertain~~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 ~~exercising~~using this authority, the Portland Water Bureau ~~shall adopt policy regarding~~must consider the necessary qualifications for ~~those who conduct inspections~~inspectors and ~~define the frequency, priority, and type of inspection of businesses based on~~among other things, 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, ~~at any time when~~ the Portland Water Bureau has reason to believe there is a violation, or as defined by a routine schedule for compliance. ~~Inspections and re-inspections will be used to~~ reinspection determine if an operation is in compliance with this Chapter.

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- C. Inspections may involve a review of equipment, structures and operating practices; records or plan review; interviews with operators; and photo documentation. ~~At such, businesses shall~~ Businesses must allow representatives of the Portland Water Bureau, upon presentation of credentials, to:
1. Inspect at reasonable times ~~any~~ 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; and,~~
  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 ~~re-inspection~~ reinspection under ~~Subsections~~ Subsection 21.35.040 C-1, 3., the Portland Water Bureau may seek an administrative warrant from Multnomah County Circuit Court to conduct such inspection or ~~re-inspection~~ reinspection.
- E. After inspection and upon finding that all standards of this Chapter have been met, the Portland Water Bureau ~~of Water Works shall~~ must issue a Certificate of Inspection to each business inspected under this Chapter, as provided in Section 21.3435.050.
- F. In the event an inspection reveals a violation of the standards of this Chapter that ~~cannot~~ may not be resolved or corrected during the course of the inspection, the Portland Water Bureau ~~of Water Works shall~~ must follow the procedures ~~set forth~~ underin Section 21.35.060, as applicable.
- ~~G. The Water Bureau may enter into interagency agreements with Portland Fire & Rescue or other city bureaus, or contract with other governments or private parties, to conduct inspections inside the Portland city limits. Subject to Council approval, the~~ 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 ~~shall be~~ is valid until a subsequent inspection or review, or until it is revoked.

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- B. ~~A~~The valid Certificate of Inspection ~~shall~~must always be kept on the premises ~~at all times~~ and be available for review by Portland Water Bureau of Water Works personnel or other authorized City personnel.
- C. A Certificate of Inspection ~~shall contain~~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.**

**21.35.060 Enforcement.**

*(Amended by Ordinance Nos. 180917 and 182053, effective August 15, 2008.)*

- A. **Violations.** ~~It shall be~~is a violation to store, handle, use or transport hazardous materials in a manner contrary to the standards set by the Portland Water Bureau of Water Works.
- B. **Warning Letter**~~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, ~~and~~ 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~~compliance plan that establishes a reasonable timeframe for correcting the violation(s) or the

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implementation of alternative storage, handling, use, transportation, or containment practices that ~~are capable of satisfying~~ satisfy the standards of this Chapter. ~~A Compliance Plan shall be~~ A compliance plan is subject to review and approval of the Portland Water Bureau of Water Works, or a designated City bureau.

- ~~3. If an individual or business fails to take the steps necessary to come into compliance within the period specified in the Warning Letter, the Bureau may take further enforcement action pursuant to Subsection 21.35.060 C.~~

C. ~~Orders to Cure Violations, Civil Liability, Nuisances~~ cure violations, civil liability, nuisances.

1. ~~If an individual~~ When a person or business fails to come into compliance in the time specified in a ~~previously issued Warning Letter~~ warning letter, or within a timeframe established in an approved Compliance Plan, the Portland Water Bureau may issue an ~~Order~~ order to ~~Cure~~ 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 invoked.~~ applied. Failure to comply with an ~~Order~~ order to ~~Cure~~ shall be ~~cure~~ is a violation of law.

2. ~~If~~ 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 ~~governing in this Chapter, the storage, handling, use and transportation of a hazardous material, the~~ Portland Water Bureau may declare that a nuisance exists and may issue, without ~~prior~~ notice, an ~~Order~~ order to ~~Cure~~ cure requiring immediate action to be taken to halt any activity causing such imminent danger, and directing the individual or business to ~~immediately~~ take steps to correct any conditions contributing to the danger immediately.

3. If the individual or business subject to an ~~Order~~ order to ~~Cure~~ issued pursuant to this section ~~cure~~ does not comply with the ~~Order~~ order, the Portland Water Bureau may:

- a. Revoke a Certificate of Inspection;
- b. Order the ~~individual~~ person or business to cease the storage, handling, use or transportation of hazardous materials that are the subject of the violation until ~~such time as~~ the violation is corrected;
- c. Issue a Civil Penalty pursuant to Subsection 21.35.050 ~~060~~ D; and/or,

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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 ~~will~~may be charged to the ~~individual~~person or business subject to such ~~Order~~order.

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4. The person or business subject to an ~~Order~~order to ~~Cure issued under this Chapter~~cure may appeal ~~said Order~~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 Fire Appeals shall handle any such appeal~~appeals as provided in the Fire Code, except that the ~~Fire Code Board~~is of Appeals ~~may not be authorized to~~ grant variances or adjustments under City Code ~~Subsection~~Section 31.10.080 ~~C.~~2.

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~~5. Should~~When hazardous material ~~be~~is released as a result of a violation, or as a result of a failure to correct a violation, the ~~individual~~person or business responsible ~~for such spill shall be civilly~~is liable for all costs incurred by the City associated with cleaning up ~~such~~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~~penalty~~.**

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

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

- a. A reference to the particular ~~Sections of the~~ 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,

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- d. A statement of the right of the person to request a hearing.
3. The property owner, person or operator of a facility subject to this Section who is ordered to pay a civil penalty in accordance with this Section shall have 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. of this Code in the same manner that an order of the Fire Marshal may be appealed. The Board of Fire Code Board of Appeals shall handle handles any such appeal appeals as provided in the Fire Code, except that the Fire Code Board is of Appeals may not authorized to grant variances or adjustments under Portland City Code Subsection 31.01.080 C.5.
- E. Legal Action: 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 pursuant to under Subsections 21.35.060 C.3. and 5.
- F. Re inspection Fees Reinspection fees.
1. Any individual person or business found in violation of law or any order under this Chapter and who fails to correct such violation or comply with such order within 30 days after receiving written notice from the Portland Water Bureau of Water to do so, shall be charged and is required to pay a re inspection reinspection fee of equivalent to the Hazardous Materials Permits reinspection fees in the current Portland Fire Regulations Fee Schedule as adopted by Portland City Council.
- a. \$100 if violations remain uncorrected at the time of the first re inspection;
- b. \$200 if violations remain uncorrected at the time of the second re inspection;
- c. \$400 for the third and subsequent re inspections if violations remain uncorrected at that time.
2. Re inspection Reinspection fees shall be are in addition to any fees established by Council or the Water Bureau by rulemaking in the Well Field Wellhead Protection Program Reference Manual, adopted per Section 21.24.080. Any person or business so charged a re inspection fee that believes that the charges are inappropriate reinspection may appeal such charges pursuant to 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

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Water Bureau enforces this ~~chapter~~Chapter through interagency agreement with Portland Fire & Rescue or another City bureau, the fees charged by that City bureau ~~shall be~~are in lieu of the fees described in this paragraph.

### 21.35.070 ~~Inter-Agency Cooperation.~~

~~(Amended by Ordinance No. 180917, effective May 26, 2007.) The Bureau of Water Works may enter into inter-agency agreements with Portland Fire & Rescue or other City bureaus to inspect premises, issue Certificates of Inspections, enforce standards, or otherwise administer this Wellhead Protection Code. If inter-agency agreements are made to enforce standards, and if circumstances make it practical, the Certificates of Inspection issued under this chapter shall be combined with any certificates of inspection or equivalent issued by the bureau enforcing this chapter.~~

### 21.35.080 Building and Site Permit Review and Approval.

~~No~~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 ~~may~~must be issued without reviewed and approved by the prior review and approval of the Portland Water Bureau of Water Works or other City bureau(s) to whom this function has been designated through interagency agreements, prior to issuance. The Portland Water Bureau of Water Works may approve any such permits only upon a when finding that the activity proposed conforms with this Chapter and rules promulgated adopted under this Chapter. -Such plan review shall be Plan reviews are conducted pursuant to per City of Portland rules and practices for development review.

### 21.35.090 Rulemaking.

~~(Repealed by Ordinance No. 182053, effective August 15, 2008.)~~

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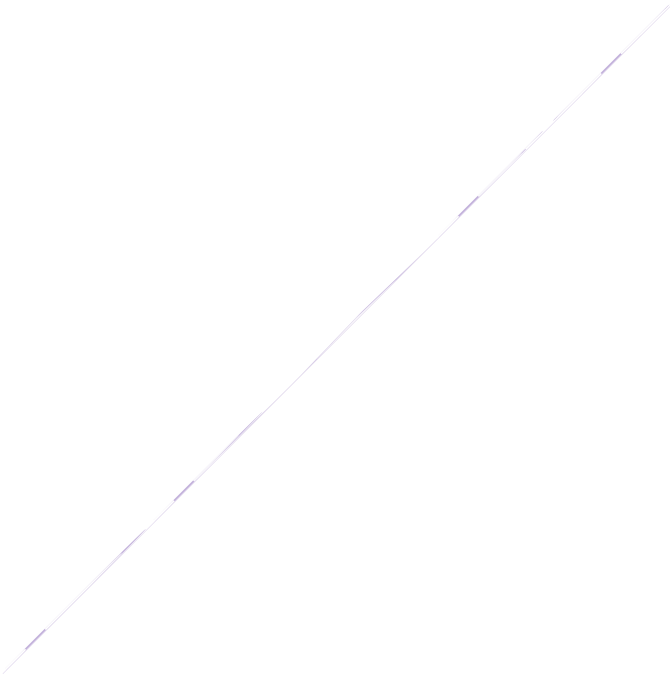
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Administrative rules are adopted, amended and repealed pursuant to Section 21.24.080.

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## TITLE 21 WATER

### CHAPTER 21.36 — BULL RUN WATERSHED PROTECTION

(Chapter added by Ordinance No. 183540, effective  
March 12, 2010.)

#### Sections:

- 21.36.010 Designation of Bull Run Watershed Closure Area.
- 21.36.020 Prohibition of Unauthorized Entry ~~Without Permit~~.
- 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.

~~(Amended by Ordinance No. 186839, effective November 7, 2014.)~~ 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 ~~shall~~will apply.

The Closure Area ~~shall consist~~consists of all land, ~~by whomever owned, within regardless of ownership, shown on the Closure Area boundaries outlined on a map of record~~ dated October 2014, ~~entitled 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, ~~shall~~will be maintained, and ~~shall~~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 ~~Without Permit~~.

~~(Amended by Ordinance No. 186839, effective November 7, 2014.)~~

~~A. Except for authorized employees of the U.S. Forest Service, Bureau of Land Management and Portland Water Bureau or as provided in Subsection B below, it~~ It is unlawful for any person to enter into or be upon land within the Closure Area without permission or a valid entry permit issued by the U.S. Forest Service, Bureau of Land Management or the. The Portland Water Bureau. The Water Bureau shall will post suitable

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## TITLE 21 WATER

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.

~~B. Entry permits are not required:~~

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. ~~To hike~~Hikers on the:

a. The Pacific Crest National Scenic Trail ~~##2000 and the~~

b. The Huckleberry Trail ~~##617,~~

c. The Oneonta Trail (#424)

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

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

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

### 21.36.030 Prohibited Actions Within the Bull Run Watershed Closure Area.

~~(Amended by Ordinance No. 186839, effective November 7, 2014.)~~

~~A. Except to hike on the Pacific Crest National Scenic Trail #2000 and the Huckleberry Trail #617, it is unlawful. It is unlawful~~ to engage in any activities in the Closure Area that are not authorized by:

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- ~~1A.~~ An entry permit; or,
- ~~2B.~~ An employee of ~~the~~ U.S. Forest Service, Bureau of Land Management; or Portland Water Bureau authorized to work in the Closure Area or issue permits ~~or for others~~ to be in enter the Closure Area.

~~B.~~ —  
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.

*(Amended by Ordinance Nos. 186839 and 189256, effective December 21, 2018.)*

- 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 ~~of the Portland Water Bureau~~ may appoint Portland Water Bureau employees as Closure Area enforcement officers as provided for in ORS 448.315 to enforce ~~Code~~ Sections 21.36.020 and 21.36.030. Prior to assuming duties, each employee designated as a Closure Area enforcement officer ~~shall~~will take an oath of office specified by the Administrator. While on duty, the employees authorized to enforce this Code ~~shall~~will wear in plain sight a badge as required by ORS 448.315. Appointment by the Administrator as a Closure Area enforcement officer ~~shall~~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 ~~shall~~will have the authority to order ~~persons~~people to leave the Closure Area, and to issue citations for ~~violation of this Code~~ violations.
- E. The Circuit ~~Court~~Courts of Multnomah County, Clackamas County and Hood River County ~~shall~~ have jurisdiction to try and determine any prosecution brought under this Code for Closure Area code violations ~~occurring within the respective boundaries of those~~their counties.

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- 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.

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### 21.36.050 Bull Run Watershed Protection Policy.

- A. In ~~General. The general, the City's~~ primary purpose ~~of City management or for~~ City lands and facilities within the Closure Area ~~shall will~~ be the continued production of ~~pure,~~ clear, raw, potable water for municipal ~~purposes-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 and objectives, such as generation of hydroelectric power, transmission of electric energy or telecommunications, protection of environmental quality and wildlife habitat, conservation education, and scientific inquiry,.,~~ 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:

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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 ~~shall must~~ not be developed or used for recreational purposes. ~~Except as necessary for protection, enhancement, operation or maintenance of the water supply system and facilities for electric power generation and transmission, City lands shall 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.~~

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- C. Tree ~~Cutting Limitation.~~ Protection.

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

1. For the protection or enhancement of water quality;~~or~~
2. For the protection, enhancement, or maintenance of water quantity for City use;~~or~~
3. For the construction, expansion, protection or maintenance of municipal water supply facilities;~~or~~
4. For the construction, expansion, protection or maintenance of facilities for the transmission of energy through and over the ~~unit or of~~Closure Area, hydroelectric facilities or hydroelectric projects associated with municipal water supply facilities;~~or~~or.
5. For the protection of human life, safety or infrastructure.

### D. Ownership of ~~Bull Run~~ Land and Infrastructure~~in the Closure Area~~.

1. Within the Closure Area, City land and infrastructure ~~within the Bull Run Watershed Closure Area that is integral to the delivery of~~ municipal water ~~shall~~delivery must not be transferred to any private entity.
2. Within the Closure Area, City land and infrastructure ~~within the Bull Run Watershed Closure Area that is integral to the delivery of~~ municipal water ~~shall~~delivery must not be transferred to ~~any~~a public entity unless the transfer is approved by ordinance passed by Portland City Council.

### E. Public Notice of ~~Bull Run Watershed Activities~~Human Activity in the Closure Area.

1. Each ~~Each~~ calendar quarter, the Portland Water Bureau ~~shall update as necessary and make publicly available~~must publish a list of ongoing, routine activities ~~conducted~~it conducts, permits or ~~permitted by the Water Bureau involving the presence of persons in~~allows inside the Closure Area. ~~A non-exclusive exemplary This quarterly project list of such~~must include activities includes activities that involve people inside the Closure Area, such as:
  - a. Activities to divert, test, ~~and or~~ protect water for municipal supply ~~and for~~or hydroelectric power generation, ~~construction and~~
  - b. Construction or maintenance of facilities, including roads and trails, ~~educational~~

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c. Educational or management tours; and data,

d. Data collection for regulatory ~~or~~ management or scientific purposes. ~~At a minimum, the Bureau shall post the~~

2. ~~The quarterly project list of routine activities on its government web site, along with a contact number or email address by which citizens can obtain additional information on listed activities; must also include:~~

2. ~~Each quarter during the fiscal year, the Water Bureau shall update as necessary and make publicly available a list of:~~

a. All Portland Water Bureau capital projects ~~within~~inside the Closure Area ~~that are. This applies to all projects in the planning or design stage or whose construction has already commenced; phases.~~

b. All non-routine City activities ~~or activities permitted by the City that involve or will involve the presence of persons in~~people inside the Closure Area. This applies to City work and which are other City-sponsored activities, in the planning or design stage or which have already commenced and implementation phases.

3. ~~At a minimum, the Bureau shall post the~~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 of projects and activities described in 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 request notice about individual capital and non-routine projects identified on the quarterly project list. Members of the public who request notice for 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 E.1. and 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.

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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 E, 2, a, and b, on its government web site, along H. 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 major projects with a contact number 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 major 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 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.

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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, and must define criteria to categorize projects as major, minor or email addressno 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.

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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;

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- (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:

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(1) Human life or safety;

(2) The watershed;

(3) The water supply; and,

(4) Infrastructure.

g. Any other exceptions must be approved by which citizens can obtain additional information on 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 projects in Section 21.36.050; and,

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- 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 and as outlined under Section 21.36.050.

### 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

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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:

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- (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.

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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.

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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.

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**TITLE 21**  
**WATER**

**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.

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