

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 12- 06

AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 12, WATER AND SEWERS, TO REMOVE DAY-TO-DAY BUSINESS PRACTICES WHICH ARE NOW DOCUMENTED ADMINISTRATIVE RULES

WHEREAS, the Tigard Municipal Code (TMC), Title 12, Water and Sewers, is outdated and contains information on the day-to-day business practices related to water and sewers; and

WHEREAS, on August 23, 2011, council adopted Resolution No. 11-06 which authorized the use of administrative rules; and

WHEREAS, Chapter 12.01 allows for the creation of administrative rules pertaining to the entire chapter; and

WHEREAS, on June 6, 2012, the city implemented administrative rules which document day-to-day business practices relating to water and sewers; and

WHEREAS, the rules are designed to be more accessible and "user-friendly" than the municipal code and will improve the city's ability to communicate basic utility practices to its customers; and

WHEREAS, day-to-day business practices are currently documented in two places—the municipal code and the administrative rules; and

WHEREAS, this ordinance will remove the day-to-day business practices from the TMC.

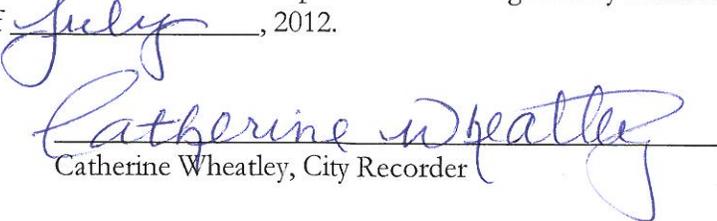
NOW, THEREFORE THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Chapter 12.03, Billing and Collection of Utility Charges, of the TMC is amended as shown in Attachment 1, (strikeout/underline version), and Attachment 2, (finalized/clean version).

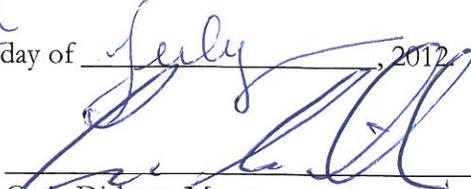
SECTION 3: Chapter 12.10, Water System Rules and Regulations, of the TMC is amended as shown in Attachment 3, (strikeout/underline version), and Attachment 4, (finalized/clean version).

SECTION 4: This ordinance shall be effective 30 days after its passage by the council, signature by the Mayor, and posting by the city recorder.

PASSED: By Unanimous vote of all council members present after being read by number and title only, this 10th day of July, 2012.

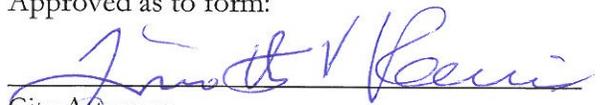

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 10th day of July, 2012



Craig Dirksen, Mayor

Approved as to form:



City Attorney

July 10, 2012

Date

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Chapter 12.03 BILLING AND COLLECTION OF UTILITY CHARGES.

Sections:

- 12.03.010 Authority
- ~~12.03.0120~~ ~~Definitions.~~
- 12.03.0230 Rates, Charges, Fees, Penalties, Collections.
- ~~12.03.030~~ ~~Delinquent Collection Procedures.~~
- ~~12.03.040~~ ~~Delinquency Collection Procedures—Sewer Only Customers.~~
- ~~12.03.050~~ ~~Other Fees And Charges.~~
- 12.03.0640 Utility Charge Adjustments And Payment Agreements.
- 12.03.0750 Customer Appeal Process.

12.03.010 Authority

All definitions, authority, rules, and regulations as described in Chapter 12.01, Utility Services Rules and Regulations, are applicable to this chapter.

12.03.0120 Definitions.

- (a) Utility Charges.

Any combination of water service charges, sanitary sewer service charges, surface water charges or other fees and charges authorized by the Tigard City Council or the Clean Water Services imposed on users of utility services.

- (b) Delinquent.

Utility charges not paid by the due date specified on the bill for such charges are considered delinquent.

- (c) User.

User shall mean any person who uses property which maintains connection to, discharge to, or

otherwise receives services from the City's storm, surface water, sanitary sewer or water systems. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it shall be deemed the user. (Ord. 02-29)

12.03.0230 Rates, Charges, Fees, Penalties, Collections.

(a) Clean Water Services Rates and Charges Resolution and Orders ~~number 95-34~~as amended; and Ordinance Numbers 26,27,28, and 29 as amended are hereby adopted by reference and shall be in full force and effect as part of this municipal code.

(b) Collections from utility customers will be applied first to interest, penalties or other fees and charges, then proportionately among the rest of charges for services billed or as provided by contract with Clean Water Services.

(c) All Fees and Charges set forth in this chapter shall be set by resolution by the Tigard City Council. (Ord. 02-29)

~~12.03.030~~ ~~Delinquent Collection Procedures.~~

~~(a) Billing Cycle — Utility charges will be billed to users every other month or as water meters are read. Utility bills will be placed in the United States Mail after the water meter is read or 60 days after the prior billing for non water customers. Such utility bills shall state the amounts and types of charges included in the bill and shall state the due date for the utility charges. Such due date shall not be less than 14 days from the date bills are mailed.~~

~~(b) Reminder Notice — For those utility charges not paid by the due date, a reminder notice will be sent to the customer. The Notice shall state the amounts and types of charges past~~

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~~due and the date by which such charges must be paid to avoid turn-off procedures. The reminder notice shall be placed in the United States Mail not less than 14 days after the original due date on the original bill.~~

~~(c) Shut Off Notice — For those utility charges not paid by the due date stated on the reminder notice, a shut off notice shall be hung on the front door of the dwelling or place of business at least 48 hours prior to the scheduled actual shut off. The City shall maintain a list of all shut off notices indicating the time and location the notice was placed and by whom. The shut off notice shall state the amounts and types of charges past due and the date and time such charges must be paid to avoid actual shut off of services.~~

~~(d) Shut Off Procedure — All accounts determined to be unpaid 48 hours after a shut off notice has been placed on the premises shall be listed and scheduled for shut off. The 48 hours shall be counted on business days only and shall not include Holidays or weekends. On the day scheduled for shutoff, daily payments will be reviewed to determine if any applicable payments have been received. The list as amended will then be delivered to the appropriate crew members who will then shut off and lock those meters on the list.~~

~~(e) Water Disconnection Charge for Non-Payment — A charge will be added to each account that has not been paid prior to the time indicated on the shut off notice. The charge covers all costs associated with the delinquent collection process. The charge shall apply even if actual shut off is not performed due to the payment of the past due balance made to the crew member in the field or in the office just prior to shut off. Water service will be reconnected the same day as disconnection if the outstanding bill and related charges are paid in full by 5:00 PM. If payment is not made prior to 5:00 PM the customer's water will not be reconnected until the next regular~~

~~business day. No water will be reconnected after normal operating hours or on weekends.~~

~~(f) Meter Disconnection Charge — A charge shall be added to each account in which a meter is turned off and locked for non payment if the customer or other party cuts the lock and turns the meter back on without prior approval of the City. The meter will be removed from the ground and the water service capped off. Water service shall not be reconnected until the customer has paid the past due utility charges, water disconnection charge, and the meter disconnection charge.~~

~~(g) Multifamily Housing Collection Process — When accounts for multifamily housing complexes using master meters rather than individual meters becomes delinquent, the company or individual responsible for payment of the utility bills shall be notified of the past due status of the account in the normal process set forth in section 12.03.030. However, in lieu of the shut off procedure, the responsible party shall be notified in writing that the shutoff procedure will be followed if the delinquent utility charges are not paid within thirty days. Notification will also be made to all tenants known by the City to the extent possible. Accounts not paid within the thirty days will be notified and turned off in accordance with section 12.03.030 (c) and (d). (Ord. 02-29)~~

~~12.03.040 — Delinquency Collection Procedures — Sewer Only Customers.~~

~~For utility charges on accounts without water service, delinquent amounts may be collected using the following collection methods in lieu of the shutoff procedure set forth in 12.03.020 (c), (d), (e):~~

~~(a) Delinquent utility charges may be collected through the use of a collection agent. The Finance Director or designee shall have the~~

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~~authority to select a collection agent and sign necessary documents.~~

~~(b) Delinquent utility charges may be collected by filing a claim in the appropriate court. The Finance Director shall have the authority to request pursuit of such claims by the City Attorney and shall have the authority to sign and file necessary documents.~~

~~(c) Delinquent utility charges may be collected by turning the uncollected balance over to the Washington County Tax Assessor for inclusion on tax bills as allowed by ORS 454.225. This method of collection shall only be used if the user of the services being billed is also the owner of the premises connected to the system. The owners approval must be received in writing allowing the turnover. Accounts being collected in this manner shall be charged a turnover fee and shall be turned over to the Assessor each year by July 15.~~

~~(d) Delinquent utility charges may also be collected by disconnecting utility services. Disconnection may involve the physical disconnection of incoming or outgoing utility service pipes and facilities. Disconnection shall only be pursued with the approval of the City Manager. Actual costs of disconnection shall be calculated and must be paid by the utility service user before reconnection is established. (Ord. 02-29)~~

~~12.03.050 — Other Fees And Charges.~~

~~(a) Returned Check Charge — A charge will be added to accounts for any checks returned from the bank unpaid for any reason. The charge shall be set by resolution of the City Council.~~

~~(b) Repair or Replacement of Water Meters and Services — Once installed, any costs associated with the repair or replacement of damaged or missing meters and services will be~~

~~charged to the owner of the property. Such costs may include but are not limited to gaskets, meter boxes, lid inserts, meters, pressure regulator valves, related labor, equipment, vehicles, and materials. (Ord. 02-29)~~

12.03.0640 Utility Charge Adjustments And Payment Agreements.

Errors in billing or collection shall be corrected in a timely manner by the City. Resulting credits on accounts or refunds shall be made as expeditiously as possible. Disputed billings or other collection transactions shall be dealt with as follows:

In recognition of the need for exceptions in some cases, authority is granted as follows for adjustments to utility charges and to the implementation of payment agreements. ~~All waivers granted under 12.03.060 (a) (b) shall be reported to the Intergovernmental Water Board each month upon their request.~~

(a) The Finance Director or designee shall have the authority to waive utility charges up to ~~\$250~~500.00. Such waiver may be made based upon a written request from the customer and for good cause. Good cause may include but is not limited to correction of user or account information, failure of the City to send a bill, demonstrated failure of a user to receive a bill, correction of measurement of either fixture units or equivalent service units and adjustments to the time in which requester became the user. Waivers may include returned check charges, disconnection charges or utility charges.

(b) The City Manager or designee shall have the authority to waive utility charges up to \$2,500.00. Such waiver must be made based upon a written request from the customer and for good cause as defined in subsection (a). The City

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Manager shall receive a written report of findings from staff and then weigh the evidence presented by the customer and the staff before making any such waiver.

~~(e) Any requests to waive utility charges above \$500.00 shall be made in writing to the Intergovernmental Water Board. The Finance Director or designee may schedule the request on the next available agenda and so notify the customer at least one week in advance. All materials related to the request shall be made available to the Board and the customer may be allowed to make a presentation to the Board at the discretion of the Board Chairman.~~

(~~dc~~) The City may enter into a payment agreement with a customer to facilitate the payment of delinquent utility charges. Such agreements shall not exceed the term of three years, current charges must be paid when due, and the agreement must be signed by both parties and must be a legally binding agreement. Breach of such an agreement by the customer shall result in further collection efforts. Payment agreements for amounts over \$10,000 must be approved by the Tigard City Council. (Ord. 02-29)

~~12.03.0750~~ **Customer Appeal Process.**

(a) Customers shall have the right to appeal billing decisions made by staff. If a customer is not satisfied with a decision, the customer may appeal to the Finance Director within fourteen days of the decision in writing explaining the issue and justification for the customer's position. Finance Director decisions may be appealed to the City Manager within fourteen days of the decision in a similar fashion. City Manager decisions may be appealed within fourteen days of the decision to the ~~Intergovernmental Water Board~~City Council. ~~Board~~Council decisions are considered final. (Ord. 02-29, Ord. 96-02). ■

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Chapter 12.03 BILLING AND COLLECTION OF UTILITY CHARGES.

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- 12.03.010 Authority
- 12.03.020 Definitions.
- 12.03.030 Rates, Charges, Fees, Penalties,
Collections.
- 12.03.040 Utility Charge Adjustments
And Payment Agreements.
- 12.03.050 Customer Appeal Process.

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returned check charges, disconnection charges or utility charges.

(b) The City Manager or designee shall have the authority to waive utility charges up to \$2,500.00. Such waiver must be made based upon a written request from the customer and for good cause as defined in subsection (a). The City Manager shall receive a written report of findings from staff and then weigh the evidence presented by the customer and the staff before making any such waiver.

(c) The City may enter into a payment agreement with a customer to facilitate the payment of delinquent utility charges. Such agreements shall not exceed the term of three years, current charges must be paid when due, and the agreement must be signed by both parties and must be a legally binding agreement. Breach of such an agreement by the customer shall result in further collection efforts. Payment agreements for amounts over \$10,000 must be approved by the Tigard City Council. (Ord. 02-29)

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Chapter 12.10 WATER SYSTEM RULES AND REGULATIONS.

Sections:

- 12.10.010 Definitions.
- 12.10.020 Introduction.
- 12.10.030 Use Of Water.
- 12.10.040 Service Size.
- 12.10.050 Separate Connection.
- 12.10.060 Furnishing Water.
- 12.10.070 Private Service Pipes.
- 12.10.080 Violation of Utility Services Code
- 12.10.090 Jurisdiction.
- 12.10.100 Waste - Plumbing - Inspection.
- 12.10.110 Physical Connections With Other Water Supplies Or Systems.
- 12.10.120 Cross Connection Control Program.
- 12.10.130 Payment - Delinquency. (Repealed By Ord. 96-02).
- 12.10.140 Water Rates.
- 12.10.1650 Interrupted Service - Changes In Pressure.
- 12.10.1760 Service Connection Maintenance.
- 12.10.1870 Limitation On The Use Of Water.
- ~~12.10.220 Fire Hydrants.~~
- 12.10.23180 Fire Hydrant - Temporary Use.
- 12.10.24190 Illegal Use Of Fire Hydrant Or Meter.
- 12.10.2500 Amendments - Special Rules - Contracts.
- 12.10.2610 Grievances.
- ~~12.10.280 Power To Grant Variances.~~
- 12.10.220 Findings And Declaration Of A Water Emergency.
 - 12.10.230 Enforcement.
 - 12.10.240 Penalties.
 - 12.10.250 Water Shut-Off.

12.10.010 Definitions.

~~Intergovernmental Water Board (IWB) is a representative board of five jurisdictional members within the Tigard Water Service Area. The purpose of the IWB is to make recommendations to the Tigard City Council on water related issues, and to carry out other responsibilities set forth in the cooperative agreement.~~

Tigard Water Service Area (TWSA) shall mean the territory within the boundaries of City of Durham, City of King City, Tigard Water District and the portion of the City of Tigard not served by Tualatin Valley Water District (TVWD).

12.10.020 Introduction.

All definitions, authority, rules, and regulations as described in Chapter 12.01, Utility Services Rules and Regulations, are applicable to this chapter.

~~This section of Title 12 applies to water utility services provided by the City as managing authority of the Tigard Water Service Area. Additional definitions, provisions, rules, and regulations within Title 12 are applicable to this section.~~

12.10.030 Use Of Water.

Water will be furnished for ordinary domestic, business and community purposes, and fire protection only. No water will be furnished for the direct operation of steam boilers, machinery or golf courses, except on an interruptible basis, and the City will assume no responsibility therein. (Ord. 93-34)

12.10.040 Service Size.

Upon the application for new water service, and payment of all charges, the City will install a service connection and meter of such size and location as approved by the Public Works

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Department. Meter and water service piping shall be sized using the fixture count method as described in the State of Oregon Uniform Plumbing Code. The minimum size of any water meter, which connects to the city water system, shall be five-eighths/three-fourths inch diameter.

In new subdivisions, the City requires the installation of water mains, valves, hydrants and water services by the developer as a part of improvements as described in this chapter. All improvements and installations shall be in accordance with Public Improvement Design Standards. (Ord. 02-31; Ord. 93-34)

12.10.050 Separate Connection.

A separate service connection will be required for each dwelling, apartment or motel, place of business, and institution. All outlying buildings and premises used as a part of such dwelling place or business or institution may be served from such connection, as well as all buildings on such premises operated under the one management. City shall prescribe the number of buildings to be served from one meter and such determination shall be final. (Ord. 02-31; Ord. 93-34)

12.10.060 Furnishing Water.

The City shall not be obligated to furnish and install, at its expense, system facilities for all property within the City. The City shall, so far as reasonable and practicable and within its financial means, however, provide adequate source of supply, necessary primary ~~feeder~~transmission mains, storage facilities and other improvements necessary to make water service generally available to all areas within the City. Extensions to furnish water to areas not now served by the City will be made at the expense of those persons requesting service. Such extensions will be made by the City or by those expressly authorized by

the City. Consideration will be given to the City's ability to serve and to eligibility for annexation to the City of the property to be served. The City may contract with other governmental entities for the provision of water. The terms of service will be defined by agreement and consistent with the terms of this Chapter. (Ord. 93-34)

12.10.070 Service Pipe Standard and Maintenance.

Service pipes of all sizes, within or without the premises, whether for domestic, commercial, or fire protection purposes, must be materials, quality, class, and size as specified by the state plumbing code or regulations of the City.

The service pipe within the premises and throughout its entire length to the water meter ~~or to the property line if the water meter is set behind the property line,~~ must be kept ~~in repair~~serviceable condition. ~~and~~It must be protected from freezing at the expense of the customer, lessee, or agent, who shall be responsible for all damages resulting from leaks or breaks. (Ord. 02-31; Ord. 93-3)

12.10.080 Violation of Utility Services Code.

A. Waste

No customer shall cause or permit water to run or be discharged through the fixtures, pipes or faucets on the customer's premises in excess of the quantity necessary for domestic, irrigation or other permitted purposes under this Code.

B. Damage.

No person shall willfully or maliciously damage or in any manner interfere with or remove any of the pipes, valves, back flow prevention devices, meters, lock seals, surface water management systems or other property belonging to the City or used in connection with the City

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utility system. Any person violating this section shall be charged for all costs associated with repairing any such damage or interference, plus any penalty. This charge may be added to the utility bill. Failure to pay such repair charges shall be a basis for discontinuance of service.

C. Tampering.

No unauthorized person shall tamper with, alter, or damage any part of the City utility system, reservoir system, pumping station, surface water management system, metering facilities, open or close any fire hydrant or service line. No person shall alter the utility service in a manner which would allow service to more than one household without applying for service and complying with this Code. The Council may establish a tampering fine by resolution for violation of this provision. This fine may be included in the utility bill. Failure to pay that fine can result in discontinuance of service.

D. Violations.

Violation of this section is punishable by a fine of not more than \$5,000. Violation of this section a second or subsequent time within a 24-month period is punishable by a fine of not less than \$1,500 and not more than \$5,000.

E. Code Violation a Civil Violation.

In addition to the other penalties provided by this Code and State law, a violation of any requirement of the Utility Code shall be a civil violation pursuant to Tigard Municipal Code 1.16 and may be prosecuted in the Municipal Court of the City of Tigard. (Ord. 94-19)

12.10.090 Jurisdiction Of Water System.

The operation and repair of the City's water system, including pipes, valves, pumps,

reservoirs, fixtures, etc. is the complete responsibility of the City's Public Works Department. -No plumber, contractor, or other person will be allowed to connect to or operate any part of the City's water system up to and including the water meter. (Ord. 02-31; Ord. 93-34)

12.10.100 Waste - Plumbing - Inspection.

Water will not be furnished to premises where it is allowed to run or waste to prevent freezing or through defective plumbing or otherwise. Plumbing should be in conformance with the appropriate codes of the jurisdiction issuing the building permit.

12.10.110 Physical Connections With Other Water Supplies Or Systems.

Neither cross connections nor physical connections of any kind shall be made to any other water supply, whether private or public, without the written consent and approval of the City Council, and the written approval of the Oregon ~~Department of Human Services~~Health Authority. - Included in this category are all pipe lines, appurtenances and facilities of the City system and all pipes, appurtenances, pumps, tanks, storage reservoirs, facilities, equipment, appliances, etc., of other systems whether located within or on public or private property, or the premises of a water customer.

Any such connection shall be removed by the customer within ten days after written notice to remove is given by the City. If not removed within the time specified, the City may remove or discontinue any connection which it may have for servicing the property.

No person shall interfere with or attempt to prevent the Public Works Director or other

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authorized representative from entering upon private premises and inspecting the property when an emergency exists or the Public Works Director or authorized representative exhibits a warrant authorizing entry. (Ord. 93-34)

12.10.120 Cross Connection Control Program.

The City maintains a cross connection control program in order to protect the public water supply from contamination or pollution, and to assure that approved backflow prevention assemblies or devices are tested and/or inspected annually.

Determination by the City of appropriate levels of protection shall be in accordance with the Accepted Procedures and Practice in Cross Connection Control Manual, American Water Works Association, Pacific Northwest Section, current edition.

12.10.130 Payment - Delinquency. (Repealed by Ord. 96-02).

(Repealed by Ord. 96-02, Ord. 96-02; Ord. 93-34)

12.10.140 Water Rates.

All rates, fees and charges shall be set by resolution of the Tigard City Council. (Ord. 93-34)

12.10.1650 Interrupted Service - Changes In Pressure.

The water may be shut off at any time for repairs or other necessary work with or without notice. Conditions may cause a variation of the pressure. The City will not be responsible for any damage caused by interruption of service or varying pressure. ~~When service is interrupted, hot~~

~~water faucets should be kept closed to prevent backflow of hot water or steam.~~-(Ord. 93-34)

12.10.1760 Service Connection Maintenance.

The City will maintain all standard service connections in good repair without expense to the customers. Each customer is required to use reasonable care and diligence to protect the water meter and meter box from loss or damage by freezing, hot water, traffic hazards, and other causes, in default of which, such customer shall pay to the City the full amount of the resulting damage.

Each customer is required to maintain vegetation and other obstruction free zone of a minimum of two feet around the water meters, fire hydrants or other water appurtenances. Clear access to the meter shall be from the street side in a direct path to the water meter. Failure to maintain the area will result in City personnel clearing the area to meet the City's meter reading and maintenance needs. The City shall have no liability for trimming of maintaining vegetation in order to read meters. (Ord. 02-31; Ord. 93-34)

12.10.1870 Limitation On The Use Of Water.

A. Limitation on the use of water as to hours, purpose, or manner may be prescribed from time to time by order of the Public Works Director, based on a finding that the limitation is reasonable given the available and projected water supply and demand. Any order under this section shall be reviewed by City Council at its next session following issuance of the order. The City Council may affirm, withdraw or amend the order.

B. The Public Works Director, the City Manager or the City Council may call for voluntary reductions in water use, including, but not limited to, voluntary rotational watering plans.

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(Ord. 01-15 §1, Ord. 93-34)

~~12.10.220~~ ~~Fire Hydrants.~~

~~— Repealed by Ord. 02-31. (Ord. 93-34)~~

12.10.23180 Fire Hydrant - Temporary Use.

Any person who desires to use a fire hydrant for temporary water supply must obtain permission of the City. The charge for temporary use shall be set by resolution of the City Council. Customer is responsible for repair and/or replacement of damaged meter. (Ord. 93-34)

12.10.24190 Illegal Use Of Fire Hydrant Or Meter.

Connection to a fire hydrant or meter without proper authority is a Class 1 civil infraction. (Ord. 02-31; Ord. 93-34)

12.10.2500 Amendments - Special Rules - Contracts.

The City may at any time amend, change or modify any rule, rate or charge, or make any special rule, rate or contract, and all water service is subject to such power. (Ord. 93-34)

12.10.2610 Grievances.

Any grievance as to service or complaints shall be made to the Public Works Director, who shall attempt to resolve the problem. Any unresolved grievances as to service or complaints shall be reported and will be considered by the ~~Intergovernmental Water Board at the Board's next meeting.~~ City Manager. (Ord. 93-34)

~~12.10.280 Power To Grant Variances.~~

~~The City Council authorizes the power to grant variances related to utility services as follows:~~

~~A. The City Manager or designee shall have the power to waive water utility fees and charges up to \$2,500.~~

~~B. The City Manager or designee is authorized to make leak adjustment credit or waiver of fee determinations based on City practices and procedures and all decisions are considered final. (Ord. 02-29, Ord. 96-02, TMC 12.03)~~

~~C. Except when prohibited by subsection D of this section, upon application, the Intergovernmental Water Board may grant variances from the water system rules and regulations enacted by the City of Tigard when it finds that: 1) strict application of the rules and regulations create undue economic hardship for the applicant with no significant benefit to the water system; 2) the variance requested has no material adverse effect upon the water system and it is consistent with established policies of the Tigard City Council.~~

~~D. The Intergovernmental Water Board may not grant variances relating to annexation of property, fire protection requirements, cross connection requirements, fees, rates and charges. (Ord. 93-34)~~

12.10.30220 Findings And Declaration Of A Water Emergency.

Upon finding that the municipal water supply is incapable of providing an adequate water supply for normal usage due to a drought, system failure or any other event, the City Council may declare a water emergency and require that water usage must be curtailed. The declaration shall

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include the effective date, the reason for the declaration and the level of prohibition declared. The City Council may include an estimated time for review or revocation of the declaration. (Ord. 01-15 §2)

12.10.3230 Enforcement.

- A. Warning. The City shall send a letter of warning for each violation of a curtailment restriction if no previous letter of warning has been sent to the person responsible for the violation. The letter of warning shall specify the violation, may require compliance measures and shall be served upon the person responsible for the violation. Service may be in person, by office or substitute service or by certified or registered mail, return receipt requested.
- B. Civil Infraction. After the person responsible for the violation has received a warning letter, any subsequent violation shall be treated as a civil infraction under Chapter 1.16. (Ord. 01-15 §4)

12.10.33240 Penalties.

- A. First Violation – Warning letter.
- B. Second Violation of the same type – Class 3 infraction \$50.
- C. Third violation of the same type – Class 2 infraction \$100.
- D. Fourth and subsequent violations of the same type – Class 1 infraction \$250. (Ord. 01-15 §5)

12.10.34250 Water Shut-Off.

After the third violation of a curtailment restriction, the Public Works Director may order that the water service to the location where the violation has occurred shall be shut-off or reduced. A shut-off notice shall be posted on the property at least 48 hours prior to the scheduled shut-off or reduction. The shut-off notice shall specify the reasons for the shut-off or reduction. Any person wishing to avoid a shut-off must provide the Public Works Director with evidence that the shut-off will create a health or safety risk. All shut-offs imposed under this section shall be temporary, not to exceed thirty (30) days, provided the applicable charges are paid prior to reconnection. (Ord. 01-15 §6)



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Chapter 12.10 WATER SYSTEM RULES AND REGULATIONS.

Sections:

- 12.10.010 **Definitions.**
- 12.10.020 **Introduction.**
- 12.10.030 **Use Of Water.**
- 12.10.040 **Service Size.**
- 12.10.050 **Separate Connection.**
- 12.10.060 **Furnishing Water.**
- 12.10.070 **Private Service Pipes.**
- 12.10.080 **Violation of Utility Services Code**
- 12.10.090 **Jurisdiction.**
- 12.10.100 **Waste - Plumbing - Inspection.**
- 12.10.110 **Physical Connections With Other Water Supplies Or Systems.**
- 12.10.120 **Cross Connection Control Program.**
- 12.10.130 **Payment - Delinquency. (Repealed By Ord. 96-02).**
- 12.10.140 **Water Rates.**
- 12.10.150 **Interrupted Service - Changes In Pressure.**
- 12.10.160 **Service Connection Maintenance.**
- 12.10.170 **Limitation On The Use Of Water.**
- 12.10.180 **Fire Hydrant - Temporary Use.**
- 12.10.190 **Illegal Use Of Fire Hydrant Or Meter.**
- 12.10.200 **Amendments - Special Rules - Contracts.**
- 12.10.210 **Grievances.**
- 12.10.220 **Findings And Declaration Of A Water Emergency.**
- 12.10.230 **Enforcement.**
- 12.10.240 **Penalties.**
- 12.10.250 **Water Shut-Off.**

12.10.010 Definitions.

Tigard Water Service Area (TWSA) shall mean the territory within the boundaries of City of Durham, City of King City, Tigard Water District and the portion of the City of Tigard not served by Tualatin Valley Water District (TVWD).

12.10.020 Introduction.

All definitions, authority, rules, and regulations as described in Chapter 12.01, Utility Services Rules and Regulations, are applicable to this chapter.

12.10.030 Use Of Water.

Water will be furnished for ordinary domestic, business and community purposes, and fire protection only. No water will be furnished for the direct operation of steam boilers, machinery or golf courses, except on an interruptible basis, and the City will assume no responsibility therein. (Ord. 93-34)

12.10.040 Service Size.

Upon the application for new water service, and payment of all charges, the City will install a service connection and meter of such size and location as approved by the Public Works Department. Meter and water service piping shall be sized using the fixture count method as described in the State of Oregon Uniform Plumbing Code. The minimum size of any water meter, which connects to the city water system, shall be five-eighths/three-fourths inch diameter.

In new subdivisions, the City requires the installation of water mains, valves, hydrants and water services by the developer as a part of improvements as described in this chapter. All improvements and installations shall be in accordance with Public Improvement Design Standards. (Ord. 02-31; Ord. 93-34)

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12.10.050 Separate Connection.

A separate service connection will be required for each dwelling, apartment or motel, place of business, and institution. All outlying buildings and premises used as a part of such dwelling place or business or institution may be served from such connection, as well as all buildings on such premises operated under the one management. City shall prescribe the number of buildings to be served from one meter and such determination shall be final. (Ord. 02-31; Ord. 93-34)

12.10.060 Furnishing Water.

The City shall not be obligated to furnish and install, at its expense, system facilities for all property within the City. The City shall, so far as reasonable and practicable and within its financial means, however, provide adequate source of supply, necessary primary transmission mains, storage facilities and other improvements necessary to make water service generally available to all areas within the City. Extensions to furnish water to areas not now served by the City will be made at the expense of those persons requesting service. Such extensions will be made by the City or by those expressly authorized by the City. Consideration will be given to the City's ability to serve and to eligibility for annexation to the City of the property to be served. The City may contract with other governmental entities for the provision of water. The terms of service will be defined by agreement and consistent with the terms of this Chapter. (Ord. 93-34)

12.10.070 Service Pipe Standard and Maintenance.

Service pipes of all sizes, within or without the premises, whether for domestic, commercial, or fire protection purposes, must be materials,

quality, class, and size as specified by the state plumbing code or regulations of the City.

The service pipe within the premises and throughout its entire length to the water meter must be in serviceable condition. It must be protected from freezing at the expense of the customer, lessee, or agent, who shall be responsible for all damages resulting from leaks or breaks. (Ord. 02-31; Ord. 93-3)

12.10.080 Violation of Utility Services Code.

A. Waste

No customer shall cause or permit water to run or be discharged through the fixtures, pipes or faucets on the customer's premises in excess of the quantity necessary for domestic, irrigation or other permitted purposes under this Code.

B. Damage.

No person shall willfully or maliciously damage or in any manner interfere with or remove any of the pipes, valves, back flow prevention devices, meters, lock seals, surface water management systems or other property belonging to the City or used in connection with the City utility system. Any person violating this section shall be charged for all costs associated with repairing any such damage or interference, plus any penalty. This charge may be added to the utility bill. Failure to pay such repair charges shall be a basis for discontinuance of service.

C. Tampering.

No unauthorized person shall tamper with, alter, or damage any part of the City utility system, reservoir system, pumping station, surface water management system, metering facilities, open or close any fire hydrant or service line. No person shall alter the utility service in a manner which would allow service to more than one

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household without applying for service and complying with this Code. The Council may establish a tampering fine by resolution for violation of this provision. This fine may be included in the utility bill. Failure to pay that fine can result in discontinuance of service.

D. Violations.

Violation of this section is punishable by a fine of not more than \$5,000. Violation of this section a second or subsequent time within a 24-month period is punishable by a fine of not less than \$1,500 and not more than \$5,000.

E. Code Violation a Civil Violation.

In addition to the other penalties provided by this Code and State law, a violation of any requirement of the Utility Code shall be a civil violation pursuant to Tigard Municipal Code 1.16 and may be prosecuted in the Municipal Court of the City of Tigard. (Ord. 94-19)

12.10.090 Jurisdiction Of Water System.

The operation and repair of the City's water system, including pipes, valves, pumps, reservoirs, fixtures, etc. is the complete responsibility of the City's Public Works Department. No plumber, contractor, or other person will be allowed to connect to or operate any part of the City's water system up to and including the water meter. (Ord. 02-31; Ord. 93-34)

12.10.100 Waste - Plumbing - Inspection.

Water will not be furnished to premises where it is allowed to run or waste to prevent freezing or through defective plumbing or otherwise. Plumbing should be in conformance with the appropriate codes of the jurisdiction issuing the building permit.

12.10.110 Physical Connections With Other Water Supplies Or Systems.

Neither cross connections nor physical connections of any kind shall be made to any other water supply, whether private or public, without the written consent and approval of the City Council, and the written approval of the Oregon Health Authority. Included in this category are all pipe lines, appurtenances and facilities of the City system and all pipes, appurtenances, pumps, tanks, storage reservoirs, facilities, equipment, appliances, etc., of other systems whether located within or on public or private property, or the premises of a water customer.

Any such connection shall be removed by the customer within ten days after written notice to remove is given by the City. If not removed within the time specified, the City may remove or discontinue any connection which it may have for servicing the property.

No person shall interfere with or attempt to prevent the Public Works Director or other authorized representative from entering upon private premises and inspecting the property when an emergency exists or the Public Works Director or authorized representative exhibits a warrant authorizing entry. (Ord. 93-34)

12.10.120 Cross Connection Control Program.

The City maintains a cross connection control program in order to protect the public water supply from contamination or pollution, and to assure that approved backflow prevention assemblies or devices are tested and/or inspected annually.

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Determination by the City of appropriate levels of protection shall be in accordance with the Accepted Procedures and Practice in Cross Connection Control Manual, American Water Works Association, Pacific Northwest Section, current edition.

**12.10.130 Payment - Delinquency.
(Repealed by Ord. 96-02).**

(Repealed by Ord. 96-02, Ord. 96-02; Ord. 93-34)

12.10.140 Water Rates.

All rates, fees and charges shall be set by resolution of the Tigard City Council. (Ord. 93-34)

**12.10.150 Interrupted Service - Changes
In Pressure.**

The water may be shut off at any time for repairs or other necessary work with or without notice. Conditions may cause a variation of the pressure. The City will not be responsible for any damage caused by interruption of service or varying pressure. (Ord. 93-34)

**12.10.160 Service Connection
Maintenance.**

The City will maintain all standard service connections in good repair without expense to the customers. Each customer is required to use reasonable care and diligence to protect the water meter and meter box from loss or damage by freezing, hot water, traffic hazards, and other causes, in default of which, such customer shall pay to the City the full amount of the resulting damage.

Each customer is required to maintain vegetation and other obstruction free zone of a minimum of two feet around the water meters, fire hydrants or other water appurtenances. Clear

access to the meter shall be from the street side in a direct path to the water meter. Failure to maintain the area will result in City personnel clearing the area to meet the City's meter reading and maintenance needs. The City shall have no liability for trimming of maintaining vegetation in order to read meters. (Ord. 02-31; Ord. 93-34)

12.10.170 Limitation On The Use Of Water.

A. Limitation on the use of water as to hours, purpose, or manner may be prescribed from time to time by order of the Public Works Director, based on a finding that the limitation is reasonable given the available and projected water supply and demand. Any order under this section shall be reviewed by City Council at its next session following issuance of the order. The City Council may affirm, withdraw or amend the order.

B. The Public Works Director, the City Manager or the City Council may call for voluntary reductions in water use, including, but not limited to, voluntary rotational watering plans. (Ord. 01-15 §1, Ord. 93-34)

12.10.180 Fire Hydrant - Temporary Use.

Any person who desires to use a fire hydrant for temporary water supply must obtain permission of the City. The charge for temporary use shall be set by resolution of the City Council. Customer is responsible for repair and/or replacement of damaged meter. (Ord. 93-34)

**12.10.190 Illegal Use Of Fire Hydrant Or
Meter.**

Connection to a fire hydrant or meter without proper authority is a Class 1 civil infraction. (Ord. 02-31; Ord. 93-34)

**12.10.200 Amendments - Special Rules -
Contracts.**

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The City may at any time amend, change or modify any rule, rate or charge, or make any special rule, rate or contract, and all water service is subject to such power. (Ord. 93-34)

12.10.210 Grievances.

Any grievance as to service or complaints shall be made to the Public Works Director, who shall attempt to resolve the problem. Any unresolved grievances as to service or complaints shall be reported and will be considered by the City Manager. (Ord. 93-34)

12.10.220 Findings And Declaration Of A Water Emergency.

Upon finding that the municipal water supply is incapable of providing an adequate water supply for normal usage due to a drought, system failure or any other event, the City Council may declare a water emergency and require that water usage must be curtailed. The declaration shall include the effective date, the reason for the declaration and the level of prohibition declared. The City Council may include an estimated time for review or revocation of the declaration. (Ord. 01-15 §2)

12.10.230 Enforcement.

A. Warning. The City shall send a letter of warning for each violation of a curtailment restriction if no previous letter of warning has been sent to the person responsible for the violation. The letter of warning shall specify the violation, may require compliance measures and shall be served upon the person responsible for the violation. Service may be in person, by office or substitute service or by certified or registered mail, return receipt requested.

B. Civil Infraction. After the person

responsible for the violation has received a warning letter, any subsequent violation shall be treated as a civil infraction under Chapter 1.16. (Ord. 01-15 §4)

12.10.240 Penalties.

- A. First Violation – Warning letter.
- B. Second Violation of the same type – Class 3 infraction \$50.
- C. Third violation of the same type – Class 2 infraction \$100.
- D. Fourth and subsequent violations of the same type – Class 1 infraction \$250. (Ord. 01-15 §5)

12.10.250 Water Shut-Off.

After the third violation of a curtailment restriction, the Public Works Director may order that the water service to the location where the violation has occurred shall be shut-off or reduced. A shut-off notice shall be posted on the property at least 48 hours prior to the scheduled shut-off or reduction. The shut-off notice shall specify the reasons for the shut-off or reduction. Any person wishing to avoid a shut-off must provide the Public Works Director with evidence that the shut-off will create a health or safety risk. All shut-offs imposed under this section shall be temporary, not to exceed thirty (30) days, provided the applicable charges are paid prior to reconnection. (Ord. 01-15 §6)

