

# TIGARD MUNICIPAL CODE

## Chapter 12.10 WATER SYSTEM RULES AND REGULATIONS\*

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\* Prior ordinance history: Ord. Nos. 93-34, 94-19, 96-02, 01-15, 02-31.

### 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). (Ord. 12-06 §3)

### 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. (Ord. 12-06 §3)

### 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. 12-06 §3)

### 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

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accordance with public improvement design standards. (Ord. 12-06 §3)

## **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. The city shall prescribe the number of buildings to be served from one meter and such determination shall be final. (Ord. 12-06 §3)

## **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. 12-06 §3)

## **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. 12-06 §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 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

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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 Chapter 1.16 of this code and may be prosecuted in the Municipal Court of the City of Tigard. (Ord. 12-06 §3)

## **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. 12-06 §3)

## **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. (Ord. 12-06 §3)

## **12.10.110 Physical Connections With Other Water Supplies or Systems**

A. 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.

B. Any such connection shall be removed by the customer within 10 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.

C. 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. 12-06 §3)

## **12.10.120 Cross-Connection Control Program**

A. 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.

B. 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. (Ord. 12-06 §3)

## **12.10.130 Payment - Delinquency**

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(Repealed by Ord. 96-02)

## **12.10.140 Water Rates**

All rates, fees and charges shall be set by resolution of the Tigard City Council. (Ord. 12-06 §3)

## **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. 12-06 §3)

## **12.10.160 Service Connection Maintenance**

A. 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.

B. 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. 12-06 §3)

## **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 the 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. 12-06 §3)

## **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. The customer is responsible for repair and/or replacement of damaged meter. (Ord. 12-06 §3)

## **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. 12-06 §3)

## **12.10.200 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. 12-06 §3)

## **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

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shall be reported and will be considered by the city manager. (Ord. 12-06 §3)

## **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. 12-06 §3)

## **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. 12-06 §3)

## **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. 12-06 §3)

## **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 30 days, provided the applicable charges are paid prior to reconnection. (Ord. 12-06 §3) ■