

# TIGARD MUNICIPAL CODE

## Chapter 12.10 WATER SYSTEM RULES AND REGULATIONS.

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No service will be supplied or water furnished to any premises without the customer first requesting service with the City. (Ord. 02-31; Ord. 93-34)

### 12.10.020 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)

### 12.10.030 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 as 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.

In new subdivisions, the City may allow the installation of water mains, valves, hydrants and water services by the developer as a part of improvements, as described in this chapter. (Ord. 02-31; Ord. 93-34)

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## **12.10.040 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)

## **12.10.045 Master Metering.**

The City may permit the master metering of more than one water service. The owner shall designate the person who will be responsible for the payment of all water charges and will accept service of all water related notices. If any payment is not made in full when due, the City may terminate service even if partial payment is tendered by other occupants of the premises. (Ord. 02-31)

## **12.10.050 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 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. All applications for line extensions to provide new service are subject to review by the City Council.

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)

## **12.10.060 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 and 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. 93-34)

## **12.10.070 Credit For Water Leaks.**

When a water leak occurs on the customer's side of the water meter resulting in an unusually high water bill, customers may apply for a credit. The credit is limited to the difference between the average wholesale cost of water multiplied by the number of water units estimated to have leaked, and the total amount of the water bill less normal usage. The average wholesale cost of water is the per unit average cost of water as established by the Intergovernmental Water Board at the beginning of each fiscal year.

The application to the City for the credit must be in writing and must include proof of the leak being fixed within 10 days of discovery of the leak.

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Any applications for credits greater than this code section allows will be considered by the Intergovernmental Water Board. (Ord. 96-39; Ord. 96-02; Ord. 93-34)

## **12.10.080 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)

## **12.10.090 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 of high test and first class and in conformance with the appropriate codes of the jurisdiction issuing the building permit and where pressures may become high on 5/8" x 3/4" and 1" meters, a pressure regulator may be installed at the meter by the City to control varying pressures. (On meters 1 1/2" and larger, customer is responsible for installing a pressure regulator.) The City will not be responsible for damage from varying pressures. The Public Works Director or authorized person may inspect pipes and plumbing at proper times. (Ord. 93-34)

## **12.10.100 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 State Board of Health. (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.)

The City's Public Works Director or other authorized representative shall have the right, at all reasonable times, to enter upon private property to inspect the premises of customers for physical connections with other water supplies. However, before entering upon private property, the Public Works Director or other authorized representative shall obtain the consent of an occupant or a warrant of the Municipal Court authorizing entry for the purpose of inspection. 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 search warrant shall be issued until an affidavit has been filed with the Municipal Court showing probable cause for the inspection by stating the purpose and extent of the proposed inspection citing this Chapter as the basis for the inspection whether it is an inspection instituted by complaint or other specific or general information concerning physical connections with water supply systems violations.

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)

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## **12.10.110 Cross Connection Control Program.**

The purpose of this section is to protect the water supply of the City from contamination or pollution from potential cross connections; and to assure that approved backflow prevention assemblies or devices are tested and/or inspected annually as follows:

A. The installation or maintenance of any cross connection which would endanger the water supply of the City is prohibited. Any such cross connection now existing or hereafter installed is hereby declared unlawful and shall be rectified as directed by the City or its authorized representative(s).

B. The control or elimination of cross connections shall be in accordance with the regulations of Oregon Department of Human Services and the Oregon Plumbing Specialty Code. The policies, procedures, and criteria for determining appropriate levels of protection shall be in accordance with the Accepted Procedure and Practice in Cross Connection Control Manual, American Water Works Association, Pacific Northwest Section, current edition (OR Admin. Rules, Ch. 333-61.070).

C. The property owner to whom City water is provided shall install, in accordance with City standards, an approved backflow prevention assembly on the premises where any of the following circumstances exist:

1. Those circumstances identified in regulations adopted under subsection (B) of this section;
2. Where there is a fire protection system, an irrigation system, or a non-residential service connection;
3. Where unique conditions exist. Some

examples include: extreme terrain, pipe elevation changes, or structures greater than three stories in height.

D. A property owner must notify the City if they make any changes to existing plumbing that allows the addition of any chemical or substance into the premise water system.

E. No approved backflow prevention assembly or device shall be disabled, removed, relocated, or substituted without the written approval of the City.

F. All commercial, multi-family, industrial, and institutional properties, regardless of size, shall have an approved backflow prevention assembly or device on the property owner's side of the water meter. At a minimum, this device shall be an approved double check valve assembly.

G. Except as otherwise provided in this subsection, all irrigation systems shall have an approved backflow prevention assembly or device. Irrigation system backflow prevention assemblies installed before the effective date of this ordinance, which were approved at the time of installation, shall be permitted to remain in service provided the assemblies are not moved or modified and are properly maintained. The assemblies must be tested at least annually and perform satisfactorily under Oregon Department of Human Services testing procedures.

H. Any installation, corrective measure, disconnection, or other change to a backflow prevention assembly shall be performed at the sole expense of the property owner. All costs or expenses for any correction or modification to the City's water system caused by or resulting from contamination from a cross connection shall be the responsibility of the property owner.

I. Any backflow prevention assemblies,

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which are installed for the protection of the City water supply shall be tested at the time of installation. All backflow prevention assemblies must also be tested annually, or immediately after being repaired or relocated. The property owner shall forward the results of such testing to the City within ten (10) days of the date of installation, annual testing, repair, or relocation.

J. If the City has not received the result of a test required under subsection (B) or subsection (I) of this section within thirty (30) days of the required date, the City may order a test and shall charge the cost of the test to the property owner.

K. If a property owner fails to repair a faulty backflow prevention assembly within ten (10) days of a test showing the assembly is not operating properly, the City may order the repair of the assembly and shall charge the cost of the repair to the property owner.

L. The City may discontinue water service to any premise for non-payment, in accordance with Tigard Municipal Code Chapter 12.03.030.

M. Water service to any premises shall be contingent upon the property owner providing cross connection control in a manner approved by the City.

N. Authorized City employees, with proper identification, shall have free access, at reasonable hours of the day, to those parts of a premise or within buildings to which water is supplied. Water service may be refused or terminated to any premise for failure to allow necessary inspections.

O. These requirements must be strictly observed as a matter of public health and to prevent any possible contamination of the water system. (Ord. 07-11; Ord. 93-34)

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

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

## **12.10.130 Water Rates.**

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

## **12.10.140 Temporary Discontinuance Of Service.**

Temporary discontinuance of service for 30 days or more will occur without charge when the customer notifies the City of date of intent, time period of discontinuance, and provided all bills are paid. (Ord. 02-34; 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. When service is interrupted, hot water faucets should be kept closed to prevent backflow of hot water or steam. (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.

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Each customer is required to maintain vegetation and other obstruction free zone of a minimum of two feet around the meter box. 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 customer will be charged any related expenses of the City in clearing the area. 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 Main Extensions.**

Designed and Installed by Others.

When design or supervision of installation of improvements is performed by licensed engineers, and installation is performed and paid for by others, subject to approval by the City, a fee in accordance with the Fees and Charges Schedule shall be imposed.

Size of such extensions, type of pipe, location, gate valves, fixtures, fire hydrants and other fittings shall be under City specifications and subject to City approval, and such mains shall be laid from the end of the existing main to the far end of the property to be served. No lines or laterals shall be laid until the estimated cost thereof, as hereinabove set forth, shall have been deposited with the City. All such extensions of mains and laterals, and installation of fire hydrants shall be the sole property of the City, without right of immediate refund on the part of the person or persons paying for such extension or on the part of any person or persons whomsoever. No extension of main will be permitted, accepted or served by the City unless such line be at least a 6-inch diameter pipe. Short extensions, such as cul-de-sacs, can be of small diameter upon approval of the City.

When a person is required to pay the

cost of extending a water main adjacent to property other than that person's own so that water service for domestic use is provided for such other property without further extension of the water main, the City shall require the owner of the other property, prior to providing water service to that property, to refund to the person required to pay the cost of extending the water main, a pro rate portion of the cost of extension. The right to require such refund shall not continue for more than 10 years after the date of installation of the extension of the water main. The amount to be refunded shall be determined by the City and such determination shall be final.

Each construction contractor shall be approved by the City's Public Works Director prior to installing pipe lines, pumps, etc. Those installations made by private contractors will be thoroughly inspected and approved by the City to ensure compliance with plans and specifications. Back-filling of trenches prior to City approval is unauthorized.

If water main extension is necessary to serve an existing single family dwelling and the main size required by the City is larger than a 6", the expense of the installation across the front of their property, plus the cost of the meter will be with the developer or owner requesting the extension.

The developer or owner requesting the construction project shall be liable for any added cost due to design difficulties. Applicant(s) will agree to be bound by and comply with the City's main extension policy and rules and regulations and any subsequent revisions or amendments to same which may be made from time to time. (Ord. 02-31; Ord. 93-34)

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## **12.10.180 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)

## **12.10.190 Temporary Or Transient Service.**

Temporary or transient service for construction work will be rendered upon deposit in advance of connection charge and one month's estimated water bill, and payment on the first of each month of all accrued charges. Upon discontinuance of service, refund will be made for all connection materials usable by the City at their depreciated value, less the cost of removal and all charges due. No temporary service shall be installed for any residence or building where permanent service connection may later be installed. (Ord. 93-34)

## **12.10.200 Construction Water.**

Rates, fees and charges for water used via a permanent meter installation for construction purposes shall be set by resolution of the City Council. The charges shall be billed at completion of construction, but shall not exceed a period of 6 months, unless authorized by the City. (Ord. 93-34)

## **12.10.210 Meter Out-of-Order - Test.**

If a meter shall fail to measure accurately, the bill shall be the average for the same periods in prior years. Tests will be made periodically without charge to the customer. A customer may demand a test upon payment of a charge for such test. The rates, fees and charges for this test shall be set by resolution of the City Council. (Ord. 93-34)

## **12.10.220 Fire Hydrants.**

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

## **12.10.230 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)

## **12.10.240 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)

## **12.10.250 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)

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## **12.10.260 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. (Ord. 93-34)

## **12.10.270 The Public Works Director And Authorized Representatives.**

The Public Works Director or an authorized representative are not authorized to make any changes in these rules, rates, or regulations. (Ord. 93-34)

## **12.10.280 Power To Grant Variances.**

A. Except when prohibited by subsection B 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.

B. 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)

## **12.10.300 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)

## **12.10.310 Levels Of Prohibition.**

A. Level I – Limited. The following activities or actions are prohibited under a Level I declaration:

1. Watering, sprinkling or irrigating lawn, grass or turf; exceptions:
  - (a) New lawn, grass or turf that has been seeded or sodded 90 days prior to declaration of a water shortage may be watered as necessary until established;
  - (b) High-use athletic fields that are used for organized play;
  - (c) If the Level I declaration so provides, a mandatory rotational watering plan may be imposed rather than an absolute prohibition on watering.
2. Watering, sprinkling or irrigating flowers, plants, shrubbery, ground cover, crops, vegetation or trees except from 6:00 p.m. to 10:00 a.m.
3. Washing, wetting down or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas; exceptions:

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- (a) Where there is a demonstratable need in order to meet public health and safety requirements, such as: to alleviate immediate fire or sanitation hazards; for dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality;
  - (b) Power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction, and not solely for aesthetic purposes.
4. Washing trucks, cars, trailers, tractors and other land vehicles or boats or other water-borne vehicles, except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes or by bucket and hose with a shut-off mechanism; exception:
- (a) Where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as: to clean garbage trucks and vehicles that transport food and other perishables, or otherwise required by law. Owners/operators of these vehicles are encouraged to utilize establishments that recycle or reuse the water in their washing process.
5. Cleaning, filling or maintaining decorative water features, natural or manmade, including, but not limited to, fountains, lakes, ponds and streams, unless the water is recirculated through the decorative water feature. Water features that do not include continuous or constant inflowing water are not included.
6. Wasting water by leaving unattended hoses running.
7. Water line testing and flushing in connection with construction projects; exception:
- (a) Testing and flushing of critical water facilities.
8. Other actions that the City Council determines should be restricted, consistent with a Level I situation, including any restriction or curtailment imposed on the City by water suppliers or applicable law, regulation or order.
- B. Level II – Moderate. The following activities or actions are prohibited under a Level II declaration:
- 1. Actions and activities prohibited in a Level I situation.
  - 2. Watering of any lawn, grass or turf, regardless of age or usage.
  - 3. Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation or trees.
  - 4. Washing of vehicles other than in establishments that recycle.
  - 5. Power washing of buildings, regardless of purpose, is prohibited.

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- 6. Any additional actions that the City Council determines should be restricted consistent with a Level II situation.
- C. Level III – Severe. In addition to the restrictions imposed under Level I and Level II, the City Council may impose any other restriction on water use or activities that may require the need for water supplies, consistent with the City water supply contracts. Activities that may require the need for water supplies include fireworks displays and other events that create a risk of fire. In imposing a Level III restriction, the City Council shall consider any restriction recommended by the Public Works Director or by any Fire District serving the City. (Ord. 01-15 §3)

## 12.10.320 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)

## 12.10.330 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)

## 12.10.340 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. The reconnection charge and, if applicable, the meter disconnection charge imposed under Section 12.03.030 shall be paid before the reconnection. (Ord. 01-15 §6)

## 12.10.350 Definition.

As used in Sections 12.10.180 through 12.10.350:

“Rotational watering plan” means a plan for watering lawns and/or gardens on specific days or at specific times and not on other days or times. A rotational watering plan may be voluntary or mandatory. (Ord. 01-15 §7) ■