

ORDINANCE NO. 497

WATER DROUGHT/EMERGENCY ORDINANCE

An ordinance authorizing the adoption of a drought emergency contingency plan to establish declaration of a water watch, warning, or emergency; establishing procedures and voluntary and mandatory water conservation measures; authorizing the issuance of administrative regulations; and prescribing certain penalties; and to repeal prior and conflicting provisions.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHAPPELL, NEBRASKA

Section 1. Purpose. The purpose of this ordinance is to provide for the declaration of a water supply watch, warning, or emergency, and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a watch, warning, or emergency is declared.

Section 2. General Definitions:

- a) "Water" as the term is used in this ordinance shall mean water available to the City of Chappell for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.
- b) "Customer" as the term is used in this ordinance shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- c) "Waste of water," as the term is used in this ordinance, includes, but is not limited to: (1) permitting water to escape down a gutter, ditch, or other surface drain; or (2) failure to repair a controllable leak of water due to defective plumbing.
- d) The "Classes" of uses of water are defined as follows:

Class 1:

Water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

Class 2:

Water used for any commercial or industrial, including agricultural, purposes; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.

Class 3:

Water used for domestic purposes, other than those uses which would be included in either Class 1 or 2.

Class 4:

Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

Section 2. Definitions of Water Stages:

STAGE ONE: WATER WATCH

Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.

This stage is triggered by any one of the following conditions:

1. Ground water levels have fallen five (5) feet below normal seasonal levels.
2. System pressure falls below thirty-five (35) pounds per square inch.
3. Demand for one day is in excess of seven hundred fifty thousand (750,000) gallons per day.

GOALS: The goals of this stage are to heighten awareness of the public of the water conditions and to maintain the integrity of the system.

EDUCATION ACTIONS:

1. The City will make news releases to local media describing current conditions and indicate the water supply outlook for the City.

MANAGEMENT ACTIONS:

1. Leaks will be repaired within forty-eight (48) hours of detection.
2. The City will monitor its use of water and will curtail activities such as hydrant flushing and street cleaning.
3. The City will inform the public of the voluntary conservation measures.

STAGE TWO: WATER WARNING

Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official City newspaper.

This stage is triggered by any one of the following conditions:

1. Ground water levels have fallen ten (10) feet below normal seasonal levels.
2. System pressure falls below thirty-five (35) pounds per square inch.

3. Plant operations are at eighty percent (80%) capacity for more than three (3) consecutive days.
4. Demand for one day is in excess of 1,000,000 gallons per day.

GOALS: The goals of this stage are to reduce peak demands by twenty percent (20%) and to reduce overall weekly consumption by ten percent (10%).

EDUCATION ACTIONS:

2. The City will make news releases to local media describing current conditions and indicate the water supply outlook for the City.
3. The City will hold public meeting(s) to discuss the emergency, the status of the water supply and further actions which need to be taken.

MANAGEMENT ACTIONS:

1. Water supply will be monitored daily.
2. Leaks will be repaired within twenty-four (24) hours of detection.
3. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
4. The City will curtail its water usage, including watering the City grounds and washing of vehicles.
5. The City will inform the public of the voluntary conservation measures.

REGULATION ACTIONS: In addition to the regulation actions under STAGE ONE, the following regulatory authority may be exercised by the Mayor or City Administrator, following approval of the governing body of the City of Chappell, Nebraska:

1. An alternating lawn watering system will be imposed on City residents. Residents with odd-numbered home addresses will water on odd days, even-numbered houses, on even days.
2. Outdoor water use, including lawn watering and car washing will be restricted to before 10:00 AM and after 9:00 PM.
3. Refilling of swimming pools will be limited to one day a week after sunset.
4. Excess water use charges for usage of water over the amount used in the winter will be imposed at a rate twice the normal rate for water usage.
5. Waste of water will be prohibited.

STAGE THREE: WATER EMERGENCY

Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official City newspaper.

This stage is triggered by any one of the following conditions:

1. Ground water levels have fallen fifteen (15) feet below normal seasonal levels.
2. System pressure falls below thirty-five (35) pounds per square inch.

3. Pumping lowers water levels to within five (5) feet of the top of the well screens.
4. Plant operations are at ninety percent (90%) capacity for more than three (3) consecutive days.
5. Demand for one day is in excess of 1,200,000 gallons per day.

GOALS: The goals of this stage are to reduce peak demands by fifty percent (50%) and to reduce overall consumption by twenty-five percent (25%).

EDUCATION ACTIONS:

1. The City will make news releases to local media describing current conditions and indicate the water supply outlook for the City.
2. The City will hold public meeting(s) to discuss the emergency, the status of the water supply and further actions which need to be taken.

MANAGEMENT ACTIONS:

1. The City water supplies will be monitored daily.
2. Leaks will be repaired within twenty-four (24) hours of detection.
3. Standby wells will be activated for contingency operation.
4. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
5. The City will seek additional emergency supplies from other users, the state and federal government.

REGULATION ACTIONS: In addition to the regulation actions available under STAGE TWO, the following regulatory authority may be exercised by the Chairman of the Board;

1. Outdoor water use will be banned, except for businesses which require outdoor water use to operate.
2. Waste of water will be prohibited.

Section 4. Voluntary Conservation Measures. Upon the declaration of a water watch or water warning as provided in STAGE ONE and STAGE TWO, the Mayor or the City Administrator is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

- a) Sprinkling of water on lawns, shrubs or trees (including golf courses).
- b) Washing of automobiles, trucks, and recreations vehicles.
- c) Use of water in swimming pools, fountains and evaporative air conditioning systems.
- d) Waste of water.

Section 5. Mandatory Conservation Measures. Upon the declaration of a water supply emergency as provided in STAGE THREE, the Mayor or the City Administrator is authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

- a) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;
- b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
- c) Restrictions on the sales of water at coin-operated facilities or sites;
- d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
- e) Complete or partial bans on the waste of water; and
- f) Any combination of the foregoing measures.

Section 6. Emergency Water Rates. Upon the declaration of a water supply emergency as provided in STAGE THREE, the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

- a) Higher charges for increasing usage per unit of use (increasing block rates);
- b) Uniform charges for water usage per unit of use (uniform unit rate); or
- c) Extra charges in excess of a specified level of water use (excess demand surcharge).

Section 7. Regulations. During the effective period of any water supply emergency as provided for in STAGE THREE, the Mayor, City Administrator, or Water Superintendent is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.

Section 8. Violations, Disconnections, and Penalties. If the Mayor, City Administrator, Water Superintendent, or other city official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 5 or 7 of this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:

- a) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a city official designated as a hearing officer by the governing body;

- b) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
 - c) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.
1. A fee of FIFTY DOLLARS (\$50.00) shall be paid for the reconnection of any water service terminated pursuant to Section 8. In the event of subsequent violations, the reconnection fee shall be TWO HUNDRED DOLLARS (\$200.00) for the second reconnection and THREE HUNDRED DOLLARS (\$300.00) for any additional reconnections.
 2. Violations of this ordinance shall be a municipal offense and may be prosecuted in County Court. Any person so charged and found guilty in County Court of violating the provisions of this ordinance shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of ONE HUNDRED DOLLARS (\$100.00). In addition, such customer may be required by the Court to serve a definite term of confinement in the county jail which shall be fixed by the Court and which shall not exceed thirty (30) days. The penalty for a second or subsequent conviction shall be a mandatory fine of TWO HUNDRED DOLLARS (\$200.00). In addition, such customer shall serve a definite term of confinement in the county jail which shall be fixed by the Court and which shall not exceed thirty (30) days.

Section 9. Emergency Termination. Nothing in this ordinance shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public.

Section 10. Severability. If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

Section 11. This ordinance shall become effective upon its publication in the official City newspaper.

Passed by the governing body this 19th day of June, 2006.

Larry W. Rahe, Mayor

Heidi Jobman, CMC
City Administrator/Clerk