

**AN ORDINANCE ESTABLISHING A WATER
CONSERVATION PLAN**

WHEREAS, The City Council of the City of Huxley, Iowa, recognizes that supplies of potable water are essential for the health, safety and welfare of its citizens; and

WHEREAS, the Water Utility has limited capacity and from time to time during and following drought conditions or due to equipment failure, the City's water supply may become significantly and seriously depleted such that there is an insufficient supply of water to meet all customary and usual demands; and

WHEREAS, the City of Huxley, Iowa, deems it essential to protect the safety of its citizens in the event that the limited capacity of the Water Utility may be threatened;

LET IT THEREFORE BE ORDAINED:

Definitions:

Customer: any person, company, or organization using processed potable water supplied by the City of Huxley

Consumed: water that has passed through a customer's meter or is otherwise furnished by the water utility

Domestic water use: water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation,

Commercial and industrial use: water used to produce goods or to furnish services by any establishment having financial profit as a primary aim.

Large Pools: Those exceeding 1000 gallons in capacity

1.01 WATER SHORTAGES. Under the conditions set forth in this Ordinance, the City Council, in consultation with the City Administrator, Public Works Director, Water Superintendent and water personnel may find, and by Proclamation declare, a public Water Watch, Water Warning or Water Emergency, during which time the following measures and provisions shall be in effect to prevent depleting the water supply for human consumption and sanitation and to produce an orderly and equitable reduction of water consumption.

Immediately upon the issuance of such a Proclamation, regulations and restrictions set forth under this Ordinance shall become effective and remain in effect until the water shortage is terminated and the Proclamation rescinded.

Water uses, regulated or prohibited under the Ordinance, are considered to be non-essential and continuation of such uses during time of water shortage is deemed to constitute a waste of water, subjecting the users to surcharges, disconnection costs and excess consumption fees.

1.02 CONDITIONS.

1. "Water Watch"- A Water Watch may be declared when a water shortage or equipment failure poses a potential threat to the ability of the water system to meet the needs of

its customers currently or in the foreseeable future. Indicators of the need to impose a Water Watch include but is not limited to:

- A. System operating at 75% of pumping capacity;
- B. Moderate decrease in the pumping water level of wells;
- C. Moderate decrease in recovery rate of water level in wells.

2. “Water Warning” – A Stage 1 or Stage 2 Water Warning may be declared when a water shortage or equipment failure poses a serious threat to the ability of the water system to meet the needs of its customers currently and in the foreseeable future. Indicators of the need to impose a Stage 1 Water Warning include but is not limited to:

- A. System operating at 80% pumping capacity; or
- B. Significant decrease in the pumping water level of wells; or
- C. Significant decrease in recovery rate of water level in wells.

Indicators of the need to impose a Stage 2 Water Warning include but is not limited to:

- A. System operating at 85% capacity; or
- B. Severe system emergencies such as a chemical spill; or
- C. Major system failure in feeder mains or treatment plant: or
- D. Other factors which pose a significant threat to the ability of the Utility to furnish adequate supplies of potable processed water.

3. “Water Emergency” – A Water Emergency may be declared when a water shortage or equipment failure poses a severe and immediate threat to the ability of the water system to meet the needs of its customers. Indicators of the need to impose a Water Emergency include but is not limited to:

- A. System operation at 90% and above of pumping capacity; or
- B. Serious decrease in recovery rate of water level in wells.
- C. Major system failure in the feeder mains or treatment plant
- D. Exceeding demand on the treatment plant design capacity: or
- E. Other factors which pose a significant threat to the ability of the Utility to furnish adequate supplies of potable water.

1.03 GENERAL PROCEDURE. In the time during or following drought conditions or equipment failure, the following procedures shall be followed:

1. Water Watch. Under a Water Watch, all customers of the municipal water service are encouraged to limit or curtail all nonessential uses of water in order to conserve precious water resources during the time of shortage.
 - A. No watering of lawns, shrubs or gardens between the hours of 6:00 a.m. and 8:00 p.m.
 - B. No water should be used to fill large outdoor pools or ponds.
 - C. No water should be used to wash streets, parking lots, driveways, sidewalks or building exteriors.
 - D. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.
 - E. Water should be served at restaurants only upon the request of the customer.
 - F. **Tank load or bulk water sales may be curtailed or eliminated. A permit and approval from the water superintendent will be required.**
2. Water Warning- Stage 1. Under a Stage 1 Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:
 - A. Outdoor watering or irrigation of lawn is prohibited except on flower and vegetable and/or fruit gardens, trees and shrubs less than four years old and areas which were seeded or sodded within forty-five (45) days prior to issuance of the emergency resolution only between the hours of 8:00 pm and 6:00 am. Installation of sod and seed is prohibited during the stage 1 period.
 - B. Car washing is prohibited except in commercial establishments that provide that service.
 - C. No water shall be used to fill private large pools or ponds.
 - D. No water shall be used to wash streets, parking lots, driveways, sidewalks or building exteriors.
 - E. No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.
 - F. Water shall be served at restaurants only upon the request of the customer.
 - E. **No water shall be used for tank load or bulk water.**

Water reclaimed or recycled after some other primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from sources other than the City water utility, such as water condensed from the atmosphere by air conditioners or collected from rain or snow, may be used without restriction.

3. Water Warning- Stage 2. Under a Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:

- A. All outside water use, except for domestic, sanitation, and fire is prohibited.
- B. All commercial and industrial uses of water not essential in providing products or services are prohibited.
- C. Irrigation, of absolutely all forms, is prohibited.
- D. Recreational and leisure water use, including lawn and golf course watering and other incidental or recreational use is prohibited.
- E. Water use not necessary for the preservation of life or the general welfare of the community is prohibited.

4. Water Emergency. Under a Water Emergency, Stage 1 and Stage 2 Water Warning use restrictions will be in effect and, in addition, all violations that occur under a water emergency shall fall under, for a first offense, the second violation rule and shall have double the surcharge rates listed. **During a water warning and a transfer from stage 1 to stage 2 will be considered a new warning and another first offense warning will be issued for any violator.** All violations and misuse of the public drinking water shall be considered a direct threat to public health and service will be discontinued immediately. Service shall resume only when all fines and fees have been paid for. Any further subsequent violations which are considered a threat to the public health shall result in service disconnect and shall only be lifted after requirements for safety assurances have been set in place by the water department and met by the owner once all the fees and fines have been paid.

The City of Huxley Water Department has the right, at any given time with just cause, to disconnect service to various non-vital/recreational services for the purpose of water preservation in times of need. These non-vital /recreational may be, but not limited to: Irrigation for recreational fields and any agreements of irrigation, public restrooms serviced by the City of Huxley, water fountains and spigots provided by the City of Huxley for recreational use, water supply to any campground facilities and water supply to any non-public and public owned and operated pools and splash pads.

1.04 SURCHARGES. The following surcharges shall be applied for violations of water warning use restrictions imposed under this chapter. Violations during a water emergency are considered a minimum B. violation and are double the rates listed below.

- A. First Violation. For a first violation, the utility shall issue a written notice of violation to the water user violating the water use restrictions imposed during a Water Watch, Water Warning **for Stage 1 and Stage 2** or Water Emergency.
- B. Second Violation. For a second violation within a twelve-month period, an administrative surcharge shall be imposed on the customer's account in an amount of one hundred dollars plus two hundred percent (200%) of the fiscal years highest month's water bill.

- C. Subsequent Violations. For any subsequent violation within a twelve month period, an administrative surcharge shall be imposed in an amount equal to five hundred dollars plus two hundred percent (200%) of the fiscal years highest month's water bill, and, in addition, the utility shall Interrupt water service to the customer at the premises at which the violation occurred. Service shall not be restored until the customer has paid the surcharge and the reconnection fee and has provided reasonable assurance that future violations of Water Watch, Water Warning or Water Emergency use restrictions will not occur.

Any customer charged with a violation of the Water Watch, Water Warning or Water Emergency use restriction may request a hearing before the council. The council may conclude that a violation did not occur or that the circumstances under which the violation occurred warrant a complete or partial mitigation of the administrative surcharge.

- 1.05 **WATER APPEAL.** The City Council shall over hear appeals of any action taken pursuant to a Water Watch, Water Warning or Water Emergency; however, if a customer is charged with a municipal infraction relating to this ordinance, that proceeding shall be conducted pursuant to Section 364.22 of the Code of Iowa.
- 1.06 **REDUCTION IN FLOW OF WATER TO ANY PERSON.** The Water Department, under authorization of the City Administrator, may reduce or disconnect the flow of water to any customer determined to be using water in any manner not in accordance with this ordinance during Water Watch, Water Warning or Water Emergency or for any matter that may be deemed a risk to the public health.

This reduction or potential disconnection may occur with or without notice, as judgement of severity has been decided by the City Administrator with the assistance of the Water Superintendent and the Water Department.

1.16 REPEALER CLAUSE.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

1.17 SEVERABILITY CLAUSE.

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity if the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

1.18 EFFECTIVE DATE.

This ordinance shall be effective from and after the final passage, approval and publication as provided by law.