

CHAPTER 25 – WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-54. Water; City drought contingency plan management procedure.

(a) Scope. There is hereby established the following City Drought Contingency Plan Management Procedure (“Management Procedure”), which establishes policies, rules, duties, penalties, and plan for the City to be implemented during a declared water deficiency. The Management Procedure shall promulgate guidelines, which set forth the criteria for determining when particular regulations with reference to which water deficiency stage is to be implemented and terminated. The City will also adopt a Drought Contingency Plan, which shall include the rules and guidelines, adopted pursuant to this Chapter. Additionally, such plans shall be updated when, in the opinion of the Utilities Director, the conditions of the current plan have changed so as to necessitate such update. The Plan shall be available for inspection at the City Clerk’s office, and the City Utilities Department during normal business hours.

(b) Declaration of policy. It is hereby declared that when in the judgment of the City Manager: (1) the use of the water supply and delivery system has approached a level that exceeds the City’s ability to provide a supply of water to each customer within a pressure zone or throughout the City or where the available supplies of ground water or surface water delivered to the City are reduced; or (2) the general welfare requires that the water resources available to the City be put to the maximum beneficial use, or unreasonable method of use of water be prevented, and the conservation of such water is to be extended with a look at the reasonable and beneficial use thereof in the interests of the City and for the public welfare, a water deficiency may be declared. A water deficiency shall be designated a Stage 1 (Water Watch), Stage 2 (Water Alert), Stage 3 (Water Warning), or Stage 4 (Water Emergency). The water deficiency shall continue until the declaration is rescinded by the City Manager or terminated by the City Council in accordance with this Chapter.

Upon designation by the City Manager, the water deficiency shall go into immediate effect. At the next regularly scheduled City Council meeting, a resolution ratifying the deficiency will be placed before the City Council. If the City Council rejects the resolution, the water deficiency will be terminated, otherwise the water deficiency shall continue in effect until terminated by the City Manager.

The surcharges and measures adopted herein are an exercise of the City’s police power.

(c) Application. The provisions of this Chapter shall apply to all individuals, customers, and property served by the Utilities Department. Upon the designation of any stage of a water deficiency, the City shall make public announcements that a water deficiency is in effect and the designated stage. The City shall also post a copy of the declaration in each location where public notices of the City are required to be posted.

(d) Stage 1 (Water Watch). Upon the designation of a Stage 1 (Water Watch), the City shall implement the latest Drought Contingency Plan on file in the City Clerk’s office that has been approved and made available for public use and inspection. The Water Watch shall trigger a voluntary five percent (5%) reduction goal, except for the City, the City shall be subject

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to a mandatory five percent (5%) reduction goal. Additionally, such designation shall trigger an intensive public education and information program to assist all City customers (i.e., residential, commercial/industrial, public and government) to understand the nature of the deficiency and the need for voluntary compliance.

(e) Stage 2 (Water Alert). Upon the designation of a Stage 2 (Water Alert), all elements of a Stage 2 water deficiency as described in the Drought Contingency Plan shall become mandatory and be enforced, which may include, in addition to any other remedy available in this Chapter, a water deficiency rate surcharge as declared in this Chapter for the purpose of rationing, aggressive code enforcement and providing adequate revenues to operate the water utility system in accordance with the water deficiency and Drought Contingency Plan adopted by the City Council.

(f) Stage 3 (Water Warning). Upon the designation of a Stage 3 (Water Warning), all elements of a Stage 3 water deficiency as described in the Drought Contingency Plan shall become mandatory and be enforced, which may include, in addition to any other remedy available in this Chapter, a water deficiency rate surcharge as declared in this code for the purpose of rationing, aggressive code enforcement and providing adequate revenues to operate the water utility system in accordance with the water deficiency and Drought Contingency Plan adopted by the City Council.

(g) Stage 4 (Water Emergency). Upon the designation of a Stage 4 (Water Emergency), all elements of a Stage 4 water deficiency as described in the Drought Contingency Plan shall become mandatory and be enforced, which may include, in addition to any other remedy available in this Chapter, a water deficiency rate surcharge as declared in this code for the purpose of rationing, aggressive code enforcement and providing adequate revenues to operate the water utility system in accordance with the water deficiency and Drought Contingency Plan adopted by the City Council. Additionally, extra measures and or procedures deemed necessary by the City may be instituted to protect human health and safety and to ensure that the residents of the City shall have the minimum amounts of water necessary for human consumption and use.

(h) Water deficiency rate surcharge. Upon designation of a Stage 2, 3, or 4 water deficiency, the City Manager may declare effective immediately a schedule of water deficiency rate surcharges to provide rationing, aggressive code enforcement and providing adequate revenues to operate the water utility system in accordance with the water deficiency and Drought Contingency Plan adopted by the City Council.

(i) Sanction. It shall be unlawful for any individual, customer, corporation and property served by the Utilities Department to violate the provisions of this section. If and when the City becomes aware of any violation of any regulation pertaining to this section (water use or misuse), a written notice (citation) shall be placed on the property where the violation occurred and a duplicate mailed to the individual who is regularly billed for the service where the violation occurs and to any other individual known to the City who is responsible for the

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violation or its correction. If such violation is not complied with, the City may disconnect the service where the violation occurs.

Violations of this section shall be subject to the imposition of a Civil Sanction by the Utilities Director in an amount not less than Two Hundred Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00). Each day such a violation occurs shall be deemed a separate violation for purposes of this section and shall subject the violator to a separate Civil Sanction in the amount provided in this section.

In addition to any other remedies available water service may be disconnected where the violation occurs. A fee, to be established by the Utilities Director, may be imposed for reconnection of any service disconnected pursuant to non-compliance and shall be in addition to other fees or charges imposed by this Chapter for disconnection or reconnection of service.

(j) Severability. If any provision, section, subsection, sentence, clause or phrase of this section, or the application of the same to any individual or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this section shall not be affected. It being the intent of the City Council in adopting this section that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of this section are declared to be severable for that purpose.

(k) Citations. Code compliance officers/code compliance supervisors of the City are hereby authorized, empowered and given the duty to enforce provisions of the City code and to issue citations for violations of said code.

(l) Publication of Terms of Water Use. Upon such water deficiency declaration by the City Manager, it shall be the duty of the City Manager to have public notice given by publishing a notice giving the extent, terms and conditions respecting the use and consumption of water, at least once (1) for three (3) consecutive days in the official newspapers of the City. Upon such declaration and publication of such notice, due and proper notice shall be deemed to have been given to each and every consumer supplied with water by the City.

(Ord. No. 05-23, 04/05/05, Enacted) SUPP 2005-02

(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-54; Enacted new Sec. 25-54) SUPP 2007-4